

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 22-0157V

JEAN DEOLEO *and* DAYRE DEOLEO,
On behalf of their daughter, I.D., a
minor,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 29, 2023

John Robert Howie, Howie Law, PC, Dallas, TX, for Petitioner.

Camille Michelle Collett, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On February 15, 2022, Jean Deoleo and Dayre Deoleo (“Petitioners”), on behalf of their minor daughter I.D., filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleged that I.D. suffered an intussusception as a result of a rotavirus vaccine received on September 8, 2020. Petition (ECF No. 1) at 1; *see also* Motion for Ruling on the Record filed Sept. 11, 2023 (ECF No. 39). The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ Because this unpublished Ruling contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

On November 27, 2023, Respondent filed his Rule 4(c) report in which he concedes that Petitioners, on behalf of I.D., are entitled to compensation in this case. Respondent's Rule 4(c) Report (ECF No. 43) at 2, 4. Specifically, Respondent agrees that the record preponderantly supports an intussusception following rotavirus vaccine as defined by the Vaccine Injury Table. *Id.* at 4 (citing 42 C.F.R. §§ 100.3(a)(XI), (c)(4)). Respondent further agrees that there is not preponderant evidence of an alternative cause and that the statutory severity requirement is met. *Id.* (citing Section 11(c)(1)(D)).

In view of Respondent's position and the evidence of record, I find that Petitioners, on behalf of I.D., are entitled to compensation.³

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Additionally, in light of Respondent's position and this Ruling on Entitlement, Petitioners' Motion for a Ruling on the Record (ECF No. 39) is hereby GRANTED.