In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 22-413V

UNPUBLISHED

RYAN MEHM, as parent and natural guardian of C.M., a minor, Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent.	Chief Special Master Corcoran Filed: November 7, 2022 Special Processing Unit (SPU); Ruling on Entitlement; Concession; Table Injury; Rotavirus Vaccine; Intussusception

Bridget Candace McCullough, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Felicia Langel, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT[1]

On April 11, 2022, Ryan Mehm, as parent and natural guardian of C.M., a minor, 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 alleges that C.M. suffered an intussusception, resulting from the rotavirus vaccination he received on June 17, 2019. Petition at 1. Petitioner further alleges that the vaccination was administered within the United States, the injury resulted in inpatient hospitalization and surgical intervention, and that Petitioner has never received any compensation in the form of an award or settlement for C.M.'s vaccine-related injuries. Petition at 1,3. 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[1] Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (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 (2012).

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

On October 31, 2022, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Respondent determined that "[P]etitioner has satisfied the criteria set forth in the Table and the Qualifications and Aids to Interpretation for intussusception." *Id*. at 5 Specifically, Respondent determined that "onset of C.M.'s intussusception was within one to twenty-ones days of the first dose of the rotavirus vaccine. Therefore, [P]etitioner is entitled to a presumption of vaccine causation for C.M.'s intussusception." *Id.* (citation omitted). Respondent further agrees that "this case was timely filed, the vaccine was received in the United States, and C.M.'s vaccine-related injury satisfies the severity requirement by resulting in inpatient hospitalization and surgical intervention . . . ." and that "the scope of damages to be awarded is limited to C.M.'s intussusception and its related sequelae only." *Id.*

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

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