

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 22-469V

ALESIA MCCLELLAN, personal
representative of the estate of LESSIE
WILLIAMS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: July 31, 2024

Nancy Routh Meyers, Turning Point Litigation, Greensboro, NC, for Petitioner.

Jay Travis Williamson, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On April 26, 2022, Lessie Williams² filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*³ (the “Vaccine Act”). The Petition alleges that Ms. Williams suffered a Table Injury - Guillain-

¹ Because this 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 Ms. Williams died on December 9, 2023, from pancreatic cancer. Exhibit 13. On March 20, 2024, I granted Petitioner's Motion to Substitute Alesia McClellan (the personal representative of Ms. Williams's estate) as the “Petitioner” in this claim. ECF No. 35; Exhibit 14. All references in this ruling to “Petitioner” refer to Ms. McClellan in her representative capacity as the personal representative of the Estate of Lessie Williams.

³ 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).

Barré Syndrome (“GBS”) as a result of her February 3, 2020 influenza (“flu”) vaccination. Petition at 1, ¶ 21. It is further alleged that Ms. Williams suffered the residual effects of her injury for more than six months, and that there has been no prior award or settlement of a civil action on her behalf as a result of her injury. Petition at ¶¶ 18-19, 21. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 29, 2024, 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. Specifically, Respondent states that

[P]etitioner has satisfied the criteria set forth in the Vaccine Injury Table (“Table”) and the Qualifications and Aids to Interpretation (“QAI”), which affords [P]etitioner a presumption of causation if the onset of GBS occurs between three and forty-two days after a seasonal flu vaccination and there is no apparent alternative cause.

Id. at 10 (citing 42 C.F.R. § 100.3 (a)(XIV)(D), (c)(15)). Respondent further agrees that Ms. Williams suffered the sequela of her injury for more than six months, and averred that that there has been no prior award or settlement of a civil action on her behalf as a result of her injury.” *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