

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 22-613V

Filed: March 26, 2026

LINDA BUTLER,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Special Master Horner

Laura Levenberg, Muller Brazil, Drescher, PA, for petitioner.

Madelyn Weeks, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

On June 3, 2022, Linda Butler (“petitioner”) 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 she suffered a shoulder injury related to vaccine administration (“SIRVA”) affecting her right shoulder as a result of her September 11, 2020 influenza (“flu”) vaccination. Petition at 1.

On January 23, 2026, the undersigned issued Findings of Fact and Conclusions of Law. The undersigned concluded that the evidence preponderates in favor of a finding that petitioner received the vaccination at issue in her affected shoulder and that the onset of her shoulder pain occurred within 48 hours of her vaccination. On March 24, 2026, respondent filed an amended Rule 4(c) report in which he concedes that

¹ Because this document 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 document 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 “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

petitioner is entitled to compensation in this case in light of these findings of fact. Respondent's Amended Rule 4(c) Report at 2. Specifically, respondent states that:

[P]etitioner had no recent history of pain, inflammation, or dysfunction of her right shoulder; the onset of pain occurred within 48 hours after receipt of an intramuscular vaccination; the pain was limited to the shoulder in which the vaccine was administered; and no other condition or abnormality has been identified to explain petitioner's right shoulder pain.

Id. at 5. Respondent further agrees that "petitioner suffered the residual effects of her condition for more than six months." *Id.* "Therefore, based on the record as it now stands and subject to his right to appeal the Findings of Fact, respondent does not dispute that petitioner has satisfied all legal prerequisites for compensation under the Act." *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/Daniel T. Horner

Daniel T. Horner
Special Master