

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 22-1011V

HIEN THAI, personal representative of
the ESTATE OF HO CAM THAI,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 16, 2023

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

Ryan Pohlman Miller, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On August 18, 2022, Hien Thai 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 his father, Ho Cam Thai, suffered from Guillain-Barre Syndrome (“GBS”) as a result of an influenza vaccination he received on August 19, 2020. Petition at 1. Petitioner further alleges that his father passed away as a result of his vaccine injury. *Id.* The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 15, 2023, 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)

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 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).

Report at 1. Specifically, Respondent states that “Petitioner has satisfied the criteria set forth in the Vaccine Injury Table (“Table”) and the Qualifications and Aids to Interpretation (“QAI”). Specifically, Petitioner experienced onset of his symptoms between three and forty-two days after a seasonal flu vaccination, and he had bilateral flaccid limb weakness and decreased or absent DTRs, a monophasic illness pattern, an interval between onset and nadir of weakness between twelve hours and twenty-eight days, a subsequent clinical plateau without significant relapse, and no more likely alternative cause.” *Id.* at 9.

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