

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: December 4, 2023

* * * * *
ADONNIS CONNER,
Petitioner,
v.
SECRETARY OF HEALTH
AND HUMAN SERVICES,
Respondent.
* * * * *

No. 22-1133V
Special Master Gowen

Jerome A. Konkel, Samster, Konkel, and Safran, Wauwatosa, WI, for petitioner.
Tyler King, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT1

On August 30, 2022, Adonnis Conner ("petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program.2 Petitioner alleges that he suffered a shoulder injury related to vaccine administration ("SIRVA"), as the result of an influenza (flu) vaccine administered on October 16, 2019. Petition at 1 (ECF No. 1); Respondent's Report ("Resp. Rept.") at 1 (ECF No. 30). Petitioner filed also filed medical records to support his claim. Petitioner's Exhibit ("Pet. Ex.") 1-34 (ECF No. 1, 22, 24).

On November 30, 2023, respondent filed the Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Resp. Rept. at 1. Specifically, respondent states that "DICP has concluded that petitioner's alleged injury is consistent with SIRVA as

1 Pursuant to the E-Government Act of 2002, see 44 U.S.C. § 3501 note (2012), because this decision contains a reasoned explanation for the action in this case, I am required to post it on the website of the United States Court of Federal Claims. The court's website is at http://www.uscfc.uscourts.gov/aggregator/sources/7. This means the decision will be available to anyone with access to the Internet. Before the decision is posted on the court's website, each party has 14 days to file a motion requesting redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). "An objecting party must provide the court with a proposed redacted version of the decision." Id. If neither party files a motion for redaction within 14 days, the decision will be posted on the court's website without any changes. Id.

2 The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to 34 (2012) (hereinafter "Vaccine Act" or "the Act"). Hereinafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

defined by the Vaccine Injury Table” and that “based on the record as it now stands, petitioner has satisfied all legal prerequisites for compensation under the Act.” *Id.* at 5.

In light of respondent’s position and the evidence in the record, **I find that petitioner is entitled to compensation.** A separate damages order will be issued.

IT IS SO ORDERED.

s/ Thomas L. Gowen

Thomas L. Gowen

Special Master