

3 In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 22-1635V

BARBARA FRIBUSH,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 16, 2024

Ronald C. Homer, Conway, Homer, P.C., Boston, MA, for Petitioner.

Christopher Pinto, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On November 2, 2022, Barbara Fribush 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 left shoulder injury related to vaccine administration (“SIRVA”) after receiving an influenza (“flu”) vaccine on October 10, 2021. Petition at 1. Petitioner further alleges the onset of her pain was within 48 hours of vaccination, her pain and limited range of motion was limited to the shoulder where the vaccine was administered, that she had no other condition or abnormality which would explain her shoulder pain, and that she suffered the residual effects of her condition for more than six months.. *See generally* Petition. The case was assigned to the Special Processing Unit of the Office of Special Masters.

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).

On October 16, 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 notes that Petitioner's left shoulder injury is consistent with SIRVA as 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 2-3.

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