

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 22-1702V

SICELY D. MARTIN,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: September 5, 2023

Ramon Rodriguez, III, Sands Anderson PC, Richmond, VA, for Petitioner.

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

RULING ON ENTITLEMENT¹

On November 17, 2022, Sicely D. Martin 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 syncope resulting from an influenza (“flu”) vaccine received on November 19, 2019. Petition at 1. Petitioner further alleges that the vaccine was administered in the United States, she has suffered the residual effects or complications of her injury for more than six months, and neither Petitioner nor anyone on her behalf has filed a civil action or received or collected an award or settlement of any civil action for damages for her vaccine-related injury. Petition at ¶¶ 2, 14, 15. 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 September 5, 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) Report at 1. Specifically, Respondent agrees that "petitioner has satisfied the criteria set forth in the Table and the Qualifications and Aids to Interpretation ("QAI") for vasovagal syncope following flu vaccination, which require that petitioner establish a loss of consciousness within one hour after administration of the flu vaccine." *Id.* at 9. Respondent further agrees that "the records show that the case was timely filed, that the vaccine was administered in the United States, and that petitioner satisfied the statutory severity requirement because the residual effects or complications of her injury continued for more than six months after vaccine administration." *Id.* at 10. Respondent also notes that Petitioner has averred that no civil action or proceedings have been pursued in connection with her vaccine-related 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