

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 22-1824V

SANDRA L. ABBOTT,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 17, 2024

Paul D. Bekman, Bekman, Marder, Hopper, Malarkey & Perlin, LLC, Baltimore, MD, for Petitioner.

Felicia Langel, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On December 15, 2022, Sandra L. Abbott 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 a Table claim – that she suffered a right shoulder injury related to vaccine administration (“SIRVA”) after receiving a tetanus-diphtheria-acellular pertussis (“Tdap”) vaccine on December 27, 2019. Petition, ECF No. 1. 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 (2012).

On August 5, 2024, I concluded that Petitioner suffered the residual effects of her injury for more than six months. Findings of Fact and Conclusions of Law (ECF No. 27).

On October 17, 2024, Respondent filed an amended Rule 4(c) Report, in which Respondent stated that in light of the aforementioned fact ruling and medical record evidence submitted in the case, Respondent will not continue to contest that Petitioner suffered a SIRVA as defined by the Vaccine Injury Table. Rule 4(c) Report (ECF No. 30) at 4 – 5 (citing 42 C.F.R. §§ 100.3(a), (c)(10)). Respondent further agrees that Petitioner has satisfied all legal prerequisites for compensation under the Vaccine Act. *Id.* at 5 (citing Vaccine Act Sections 11(c)(1)(D)(i) and 13).

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