In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

TIFFANY HUETTL, *as natural guardian and legal representative of her minor son, R.H.*	*	No. 23-68V
Petitioner,	*	Special Master Christian J. Moran
v.	*	Filed: September 6, 2023
SECRETARY OF HEALTH AND HUMAN SERVICES,	*	
Respondent.	*	

Lawrence R. Cohan, Saltz Mongeluzzi & Bendesky, PA, for petitioner;
Jamica Marie Littles, United States Dep't of Justice, Washington, DC, for respondent.

RULING FINDING ENTITLEMENT TO COMPENSATION[1]

Tiffany Huettl alleges that an influenza ("flu") vaccination caused her son, R.H., to develop chronic osteomyelitis and seeks compensation on his behalf. Pet., filed Jan. 19, 2023. The evidence preponderates in favor of entitlement.

Before receiving the flu vaccine, R.H. had asthma, atopic dermatitis, and bronchiolitis due to respiratory syncytial virus ("RSV"). Exhibit 2 at 121. R.H's medical history before the flu vaccine did not indicate any problems in his left lower extremities. Id.

On February 20, 2020, R.H. received the flu vaccine in his left thigh. Four days later, on February 24, 2020, R.H. started having left knee pain and swelling. See Exhibit 1 at 36. The swelling radiated up to the left thigh. Id. R.H. also developed a fever that was not responsive to Tylenol or ibuprofen. Id.

Medical personnel in the Division of Injury Compensation Programs at the Department of

[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), the parties have 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. Any changes will appear in the document posted on the website.

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Health and Human Services ("DICP") reviewed the medical documents and determined that R.H.'s chronic osteomyelitis was more likely than not caused by the flu vaccine. Resp't's Rep. at 11. The Secretary recognized that "petitioner has satisfied the statutory requirement that R.H.'s injury lasted for at least six months, or resulted in 'inpatient hospitalization and surgical intervention' as required by 42 U.S.C. § 300aa-11(c)(1)(D)(i),(iii)." Id.

Special masters may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon a review of the record as a whole, the undersigned finds that Ms. Huettl has established that she, on behalf of R.H., is entitled to compensation for his injury.

Accordingly, Ms. Huettl, on behalf of R.H., is entitled to compensation for his injury. Ms. Huettl remains obligated to submit a status report regarding her demand by **Friday, September 22, 2023**. See order, issued Aug. 15, 2023.

Any questions may be directed to my law clerk, Debbie Chu, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master