

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 23-200V

LINDSAY ANDERSON, as
Mother and Natural Guardian
of minor child, A.B,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: June 14, 2024

*Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for
Petitioner.*

Neil Bhargava, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On February 13, 2023, Lindsay Anderson filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”), on behalf of her minor child, A.B. Petitioner alleges that A.B. suffered the Vaccine Injury Table injury of Guillain-Barre Syndrome (“GBS”) as a result of an influenza (“flu”) vaccine administered on September 23, 2021. Petition at 1. Petitioner further alleges that A.B. suffered the residual effects of the injury for more than six months, and that there has been no prior award or settlement of a civil action on A.B.’s behalf as a

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).

result of the injury. See Petition at ¶¶ 10-11. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On June 11, 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 states that

[m]edical personnel at the Division of Injury Compensation Programs, Department of Health and Human Services (DICP), have reviewed the petition and medical records filed in the case. It is respondent's position that petitioner, who is proceeding on behalf of A.B., has satisfied the criteria set forth in the Vaccine Injury Table (Table) and the Qualifications and Aids to Interpretation (QAI), which afford a presumption of causation if the onset of GBS occurs between three and forty-two days after a seasonal flu vaccination and there is no apparent alternative cause.

Id. at 12 (citing 42 C.F.R. § 100.3 (a)(XIV)(D), (c)(15)).

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