

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 23-0470V

KAREN HOFFKEN,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: March 19, 2024

*Catherine Wallace Costigan, Maglio Christopher & Toale, Washington, DC, for
Petitioner.*

Sarah Christina Duncan, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On April 3, 2023, Karen Hoffken 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 March 19, 2024, Petitioner filed an amended petition. Petitioner alleges that she suffered Guillain-Barre syndrome (“GBS”) resulting from an influenza (“flu”) vaccine received on September 3, 2021. Amended Petition at 1. Petitioner further alleges she received the flu vaccine in the United States, her injuries lasted more than six months, and neither Petitioner, nor any other party, has ever brought an action or received compensation in the form of an award or settlement for Petitioner’s vaccine-related

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).

injuries. Amended Petition at ¶¶ 1, 32, 34, 35. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On March 15, 2024, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case.³ Respondent's Rule 4(c) Report at 1. Specifically, Respondent agrees that Petitioner has satisfied the Table and QAI requirements, which afford Petitioner 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 more likely alternative diagnosis and no apparent alternative cause. *Id.* at 9.

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

³ Respondent noted that Petitioner also received a human papillomavirus ("HPV") vaccine on the same date, and denied that the HPV vaccine caused Petitioner's GBS or any other injury or condition. Respondent's Rule 4(c) Report at 1 n.1-2. Petitioner subsequently filed an amended petition alleging only that the flu vaccine caused her injuries. Amended Petition, filed March 19, 2024 (ECF No. 38).