

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 23-0742V

TIFFANI WEBER, as parent and
natural guardian of C.W., a minor,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: January 17, 2024

Paul R. Brazil, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Katherine Edwards, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On May 19, 2023, Tiffani Weber filed a petition for compensation on behalf of her minor child, C.W, under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the "Vaccine Act"). Petitioner alleges that C.W.'s receipt of a rotavirus vaccine on or about April 8, 2022, caused him to suffer intussusception. Petition at 1-2. Petitioner further alleges that C.W.'s injury resulted in inpatient hospitalization and surgical intervention. Petition at 2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 17, 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 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).

1. Specifically, Respondent states that “C.W.’s intussusception manifested between one and twenty-one days after his receipt of the rotavirus vaccine, and there is not preponderant evidence that his condition was due to a factor unrelated to the vaccine.” *Id.* at 4-5. Respondent further agrees that “C.W.’s intussusception ‘resulted in inpatient hospitalization and surgical intervention’” and that based on the record as it now stands, Petitioner has satisfied all legal prerequisites for compensation under the Act. *Id.* at 5.

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