

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 23-1102V

ALIVIA ZHANG,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: September 23, 2024

David A. Kleczek, Kleczek Law Office, Oakland, CA, for Petitioner.

Lynn Christina Schlie, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On July 18, 2023, Alivia Zhang filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*¹ (the “Vaccine Act”). Petitioner alleges that she suffered a syncopal episode upon receiving a meningococcal vaccine on August 16, 2022, which resulted in orbital injury and complete loss of vision in her left eye. Petition at 1 – 2. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On September 18, 2024, Respondent filed his Rule 4(c) report in which he **concedes** that Petitioner is entitled to compensation in this case. Rule 4(c) Report at 1. Specifically, Respondent agrees that Petitioner satisfies the criteria set forth in the Vaccine Injury Table (the “Table”), and the accompanying Qualifications and Aids to Interpretation (“QAI”), which afford Petitioner a presumption of causation if the onset of vasovagal syncope occurs within one hour after a meningococcal vaccination, and there is no apparent alternative cause. *Id.* at 5 (citing 42 C.F.R. §§ 100.3(a), (c)(13)). Respondent also agrees that Petitioner experienced more than six months of residual

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.

effects, and that she has otherwise satisfied all legal prerequisites for compensation under the Act. *Id.* (citing Section 11(c)(1)(D)(ii)).

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