

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 23-1122V

ROIZY TEITELBAUM, as Parent and
Natural Guardian of C.S., a Minor,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: May 28, 2024

Maximillian J. Muller, Muller Brazil, LLP, Dresher, PA, for Petitioner.

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

RULING ON ENTITLEMENT¹

On July 19, 2023, Roizy Teitelbaum, as parent and natural guardian of C.S., a minor, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that C.S. suffered intussusception resulting from a rotavirus vaccine received on April 17, 2023. Petition at 1. Petitioner further alleges that C.S. received the vaccine in the United States, C.S.’s intussusception caused him to undergo inpatient hospitalization and a surgical procedure, and neither petitioner, nor any other party, has ever filed any action or received compensation in the form of an award or settlement, for C.S.’s vaccine-related injury.

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).

Petition at ¶¶ 2, 5, 9-11; Ex. 1 at 2; Ex. 3 at 222-227. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On May 24, 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 agrees that Petitioner is entitled to a presumption of causation because C.S.'s intussusception meets the criteria of the Vaccine Injury Table in that "C.S.'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. Respondent further agrees that C.S.'s intussusception resulted in inpatient hospitalization and surgical intervention, and Petitioner has satisfied all legal prerequisites for compensation under the Act. *Id.*

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