

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 23-1785V

BROOKE YOUNG, *as natural guardian*
of L.M.,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 23, 2024

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

Margaret Armstrong, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On October 11, 2023, Brooke Young, as natural guardian of her minor child L.M., 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 following L.M.’s receipt of a rotavirus vaccine on July 29, 2021, L.M. suffered an intussusception injury as listed on the Vaccine Injury Table. Petition at Preamble. The case was assigned to the Special Processing Unit (“SPU”) of the Office of Special Masters.

On October 23, 2024, Respondent filed his Rule 4(c) report in which he **concedes** that Petitioner, on behalf of L.M., is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, Respondent has concluded that L.M.’s intussusception meets the criteria set forth in the Vaccine Injury Table (the “Table”) and the accompanying Qualifications and Aids to Interpretation (the “QAI”). *Id.* at 6 (citing 42 C.F.R. §§ 100.3(a)(XI), (c)(4)). Respondent has also concluded that L.M.’s intussusception “resulted in inpatient hospitalization and surgical intervention,” and the claim satisfies all legal

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.

prerequisites for compensation under the Act. *Id.* at 6 – 7 (citing Vaccine Act Section 11(c)(1)(D)(iii)).

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