In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 23-1908V

JEFFERY N. BURKHART, Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent.	Chief Special Master Corcoran Filed: September 10, 2024

William Bliss Hicky, Thompson Burton, PLLC, Nashville TN, for Petitioner.

Michael Joseph Lang, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT[1]

On October 27, 2023, Jeffery N. Burkhart ("Petitioner") 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 he suffered from Guillain-Barré syndrome ("GBS") as a result of receiving an influenza ("flu") vaccination on October 18, 2022. Pet., ECF No. 1. Petitioner further alleges that he suffered the residual effects of his injury for more than six months. *Id.* The case was assigned to the Special Processing Unit of the Office of Special Masters.

On September 9, 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, ECF No. 26. Specifically, Respondent indicated that Petitioner "has satisfied the criteria

[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).

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set forth in the Vaccine Injury Table and the Qualifications and Aids to Interpretation" for GBS following the intramuscular administration of a seasonal flu vaccination. *Id.* at 5 (citing 42 C.F.R. § 100.3(a)(XIV)(D); 42 C.F.R. §100.3(c)(15)). Respondent does not dispute that Petitioner has satisfied all legal prerequisites for compensation under the Vaccine Act.

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