

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 23-2064V

MICHELLE RUSSELL, *as executor of
the Estate of BARBARA PLUMMER,*

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: August 30, 2024

David John Carney, Green & Schafle LLC, Philadelphia, PA, for Petitioner.

Rachelle Bishop, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On December 1, 2023, Michelle Russell, as executor of the estate of Barbara Plummer, 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 as a result of an influenza (“flu”) vaccine which Ms. Plummer received on September 26, 2022, Ms. Plummer suffered from Guillain-Barré syndrome (“GBS”), which caused or contributed to her death on April 1, 2023. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 29, 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 Table criteria that Ms. Plummer’s flu vaccination caused her GBS. *Id.* at 3 (citing 42 C.F.R. §§ 100.3(a)(XIV)(D), (c)(15). Respondent also agrees that Petitioner has satisfied all legal prerequisites for compensation under the Act, including that no alternative cause more likely explains Ms.

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.

Plummer's condition and that her death was a complication from her GBS. *Id.* (citing Section 13(a)(1)(B); 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