

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 24-1777V

CAROL BIELSKI, as Personal
Representative of the ESTATE OF
WAYNE BIELSKI,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: August 6, 2025

*Leah VaSahnja Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for
Petitioner.*

*Benjamin Rex Eisenberg, U.S. Department of Justice, Washington, DC, for
Respondent.*

RULING ON ENTITLEMENT¹

On October 30, 2024, Carol Bielski filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”) as personal representative of the Estate of her deceased spouse, Wayne Bielski. Petitioner alleges that Mr. Bielski suffered the Vaccine Injury Table injury of Guillain-Barre Syndrome (“GBS”) as the result of an influenza (“flu”) vaccine administered to him on November 6, 2021. Petition at ¶ 1. Petitioner further alleges that Mr. Bielski’s

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).

death on December 16, 2022 was related to his GBS, and that there has been no prior award or settlement of a civil action on Mr. Bielski's behalf as a result of his injury. See Petition at ¶¶ 15, 17. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On August 5, 2025, 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 states that

[m]edical personnel at the Division of Injury Compensation Programs, Department of Health and Human Services (DICP), have reviewed the petition and medical records filed in the case. It is respondent's position that petitioner has satisfied the criteria set forth in the Vaccine Injury Table (Table) and the Qualifications and Aids to Interpretation (QAI), which afford petitioner a presumption of causation if the onset of GBS occurs between three and forty-two days after a seasonal flu vaccination and there is no apparent alternative cause. 42 C.F.R. § 100.3 (a)(XIV)(D), (c)(15). Additionally, based on the medical records . . . , a preponderance of the evidence establishes that petitioner has met the statutory requirements in that Mr. Bielski's death was related to his GBS.

Id. at 6.

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