In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 24-2015V

PETER AND TANYA KOWALKOWSKI, parents and natural guardians, on behalf of S.K., Petitioner, v. SECRETARY OF HEALTH AND HUMAN SERVICES, Respondent.	Chief Special Master Corcoran Filed: July 7, 2025

Shawn R. Crain, End, Hierseman & Crain, LLC, Milwaukee, WI, for Petitioner.

Dima Atiya, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT[1]

On December 9, 2024, Peter and Tanya Kowalkowski filed a petition for compensation on behalf of their child, S.K., under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*[2] (the "Vaccine Act"). Petitioners allege that S.K. suffered a vasovagal syncope and other injuries following three vaccines he received on December 27, 2021. Petition at 1. Petitioner further alleges that S.K.'s injuries persisted for longer than six months. Petition at ¶ 24. The case was assigned to the Special Processing Unit of the Office of Special Masters.

[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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On July 2, 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. Respondent states that "Petitioner has satisfied the criteria set forth in the recently revised Vaccine Injury Table ("Table") and Qualifications and Aids to Interpretation ("QAI"), which afford Petitioner a presumption of causation if the onset of vasovagal syncope occurs within one hour after a seasonal flu vaccination and there is no apparent alternative cause". *Id.* at 4. Respondent further agrees that "Petitioner experienced more than six months of residual effects." *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