

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 25-0373V

GAIL HESS,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: June 23, 2026

Ronald Craig Homer, Conway, Homer, P.C., Boston, MA, for Petitioner.

Jay Travis Williamson, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On March 3, 2025, Gail Hess filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”), which she amended on May 8, 2025. Petitioner alleges that that she suffered a shoulder injury related to vaccine administration (“SIRVA”) caused by an influenza (“flu”) vaccine received on October 9, 2022. Amended Petition at 1. Petitioner further alleges that the vaccine was administered in the United States, she suffered the residual effects of her injury for more than six months, and no lawsuits have been filed or settlements or awards accepted by anyone, including Petitioner, due to her vaccine-related injury. Amended Petition at ¶¶ 15-17. 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).

On April 17, 2026, I issued a fact ruling determining that the onset of Petitioner's shoulder pain likely occurred within 48 hours of vaccination (ECF No. 28). On June 22, 2026, Respondent filed an Amended Rule 4(c) report in which he states that, accepting my onset ruling as law of the case and preserving the right to appeal that ruling, Respondent otherwise agrees that Petitioner is entitled to compensation in this case. Respondent's Amended Rule 4(c) Report at 1, 5-6. Specifically, Respondent states that in light of my fact ruling and medical record evidence, he agrees that "petitioner suffered a left-sided SIRVA related to her October 9, 2022 flu vaccination." *Id.* at 6. Respondent further agrees that Petitioner suffered the residual effects of her condition for more than six months, and has satisfied all legal prerequisites under the Vaccine Act. *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