

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 25-1095V

ANNA JOSEPH and RAHEEM DAVIS,
on behalf of A.D., a minor child,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: March 30, 2026

*Elizabeth Kyla Abramson, Maglio Christopher & Toale, PA, Washington, DC, for
Petitioner.*

Crystal Fialkowski, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On June 30, 2025, Anna Joseph and Raheem Davis filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”) on behalf of their minor child A.D.. Petitioners allege that A.D.’s receipt of a rotavirus vaccine on August 30, 2024, caused her to suffer a Table injury of intussusception. Petition at 1-4. Petitioners further allege that A.D. received the vaccine in the United States, that A.D.’s injury resulted in inpatient hospitalization and surgical intervention, and that there has been no prior award or

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).

settlement of a civil action on her behalf as a result of her injury. Petition at ¶¶ 3, 16, 18-19. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On March 25, 2026, 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

[b]ased upon DICP's [the Division of Injury Compensation Programs] review of the petition and medical records filed in this case, DICP has concluded that [P]etitioners are entitled to a presumption of causation because A.D.'s intussusception meets the criteria of the Vaccine Injury Table. 42 C.F.R. § 100.3(a)(XI). Specifically, A.D.'s intussusception manifested between one and twenty-one days after her receipt of the rotavirus vaccine, and there is not preponderant evidence that her condition was due to a factor unrelated to the vaccine. See *id.*; 42 U.S.C. § 300aa-13(a). Moreover, . . . A.D.'s intussusception "resulted in inpatient hospitalization and surgical intervention." See 42 U.S.C. § 300aa-11(c)(1)(D)(iii). Therefore, based on the record as it now stands, [P]etitioner[s] ha[ve] satisfied all legal prerequisites for compensation under the 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