

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 25-1233V

KIM DUNN, as administrator of, and on
behalf of the Estate of the deceased
vaccinee, OTTO SCHWAB,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: August 5, 2026

Dustin Francis Fregiato, Ladendorf Law, Indianapolis, IN, for Petitioner.

Ryan Daniel Pyles, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On July 25, 2025, Kim Dunn, as administrator of the estate of Otto Schwab, deceased, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that that Mr. Schwab suffered from Guillain-Barre Syndrome (“GBS”) following an influenza vaccination he received on October 31, 2024. Petition at 1. Petitioner further alleges that Mr. Schwab died from his vaccine-related injury. *Id.* at ¶ 13. 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 July 22, 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 it is his "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 is the onset of GBS occurs between three and forty-two days after a seasonal flu vaccination and there is no apparent alternative cause". *Id.* at 3. Respondent also states that Mr. Schwab "more likely than not died as a result of his presumptive GBS." *Id.* Respondent finally agrees that, "based on the current record, Petitioner has satisfied all legal prerequisites for compensation under the 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