

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-643V

Filed: April 6, 2011

ROBERT LAWRENCE,)	
)	NOT FOR PUBLICATION
Petitioner,)	
)	
v.)	Entitlement to compensation; Table
)	injury; tetanus, diphtheria, pertussis
SECRETARY OF)	(Tdap) vaccine; brachial neuritis.
HEALTH AND HUMAN SERVICES,)	
)	
Respondent.)	

Michael J. Williams, Cellino & Barnes, P.C., Buffalo, NY, for Petitioner;
Justine E. Daigneault, U.S. Dep't of Justice, Washington, D.C. for Respondent

RULING ON ENTITLEMENT*

On September 24, 2010, Petitioner, Robert Lawrence, filed a petition for compensation alleging that he suffered from brachial neuritis as a result of receiving an Adacel tetanus, diphtheria, pertussis ("Tdap") vaccination in his right arm on September 27, 2007. Mr. Lawrence seeks compensation pursuant to the National Vaccine Injury Compensation Program (the "Act").¹

In the Rule 4 (c) report, Respondent states that Mr. Lawrence's claim is compensable under the Act. Respondent states that the facts of this case support a finding that Mr. Lawrence suffered from an on-Table injury. In addition, Respondent states that there is not a preponderance of the evidence to demonstrate that Mr. Lawrence's injury was due to factors unrelated to the vaccine. Resp't Rep., filed April 1, 2011, at 8.

Special masters may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon a review of the record as a whole, the undersigned finds that Mr. Lawrence has

* The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire ruling will be available to the public. Id.

¹ The National Vaccine Injury Compensation Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 et seq. (2006). Hereinafter, individual section references will be to 42 U.S.C. § 300aa of the Vaccine Act.

established that he is entitled to compensation. The parties are directed to begin the process of determining the amount of compensation to which Mr. Lawrence is entitled.

The parties shall contact my law clerk, Thomas Broughan at (202) 357-6353, within 10 days of the date of this ruling to schedule a status conference.

IT IS SO ORDERED.

s/ Dee Lord
Dee Lord
Special Master