

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

LYNNE RECTENWAL,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

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* No. 11-641V
* Special Master Christian J. Moran
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* Filed: May 23, 2012
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* shoulder injury; influenza
* vaccine; Althen requirements.
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Ronald C. Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for Petitioner;
Lisa A. Watts, United States Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED RULING ON ENTITLEMENT*

On October 4, 2011, Lynne Rectenwal filed a petition for compensation. Ms. Rectenwal filed an amended petition on April 18, 2012, alleging that she suffered an injection-related shoulder injury as a result of an influenza vaccine, which she received on October 15, 2008. Ms. Rectenwal seeks compensation pursuant to the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 et seq. (2006).

In the Rule 4 (c) report, respondent stated that Ms. Rectenwal’s claim is compensable under the Act. Respondent stated that the Division of Vaccine Injury Compensation, Department of Health and Human Services (“DVIC”) has reviewed Ms. Rectenwal’s medical records, and opine that her alleged injury is consistent with a shoulder injury related to vaccine administration. Accordingly, “DVIC agrees that petitioner’s claim satisfies the Althen

* Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to delete such information before the document’s disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access. 42 U.S.C. § 300aa-12(d)(4); Vaccine Rule 18(b).

requirements and that her alleged injury was caused-in-fact by a vaccination.” In addition, respondent stated that no other causes for Ms. Rectenwal’s injury have been identified. Resp’t Rep’t, filed May 11, 2012, at 6.

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 petitioner has established that she is entitled to compensation. The parties are directed to begin the process of determining the amount of compensation to which the petitioner is entitled. A status conference to discuss the parties’ progress in determining damages is set, sua sponte, for **Monday, July 9, 2012 at 10:00 A.M. Eastern Time.**

Any questions may be directed to my law clerk, Jennifer C. Chapman, at (202) 357-6358.

IT IS SO ORDERED.

S/Christian J. Moran
Christian J. Moran
Special Master