

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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ALYSSA VANSKOY, a minor \*  
by her Parents and Natural Guardians, \*  
SCOTT VANSKOY and \*  
CAROLINE VANSKOY, \*  
Petitioners, \*

No. 13-266V  
Special Master Christian J. Moran

v. \*

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*  
Respondent. \*

Filed: July 3, 2013

Entitlement; Gardasil vaccine;  
syncopal episode (fainting);  
off-Table injury.

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James K. Lo, Harrington, Foxx, Dubrow & Canter, LLP, Los Angeles, CA, for Petitioners;  
Justine E. Daigneault, United States Department of Justice, Washington, DC, for Respondent.

### **UNPUBLISHED RULING ON ENTITLEMENT\***

On April 15, 2013, Scott and Caroline Van Scoy filed a petition on behalf of their daughter, Alyssa Van Scoy, for compensation alleging that the Gardasil vaccine, which she received on November 8, 2010, caused her to faint. After fainting, Alyssa suffered facial and dental injuries. Petitioners seek compensation pursuant to the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 et seq. (2006).

Respondent conceded that petitioners' claim is compensable under the Act. Respondent stated that the immediate temporal association between Alyssa's receipt of the Gardasil vaccine and her syncopal episode was medically appropriate. Respondent also stated that the medical records support the claim that Alyssa's syncope and subsequent facial injuries were caused-in-fact by the Gardasil vaccine she received on November 8, 2010. Resp't Rep., filed July 1, 2013, at 3. In addition, respondent recognized that "there is no other identifiable alternate cause for Alyssa's onset of symptoms and injuries." Id.

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

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\* The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this ruling on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

upon a review of the record as a whole, the undersigned finds that petitioners have established that they are entitled to compensation.

The parties are directed to begin the process of determining the amount of compensation to which the petitioners are entitled. A status conference remains scheduled for **Thursday, July 18, 2013 at 2:00 P.M. Eastern Time.**

Any questions may be directed to my law clerk, Tucker McCarthy, at (202) 357-6392.

**IT IS SO ORDERED.**

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