

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 12-34V

Filed: November 29, 2012

Not to be Published

JOYCE RUTH CULBERTSON,

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Petitioner,

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High-dose influenza vaccine is
included in Vaccine Injury Table

v.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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ORDER¹

This case concerns whether high-dose influenza vaccine is included under the Vaccine Injury Table. At the undersigned's request, respondent's counsel filed on November 27, 2012 the position of respondent that high-dose influenza vaccine, recommended solely for the elderly and not for children, is included under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. § 300aa-10 et seq. Respondent's position is that "all trivalent influenza vaccines (even those targeted to older populations) are covered on the Vaccine Injury Table at 42 CFR 100(a)(XIV)." Resp't's Status Rep. 2. As such, "respondent regards alleged vaccine-related injuries relating to fluzone HD vaccines as falling within the subject matter jurisdiction of the United States Court of Federal Claims in its consideration of petitions filed with the National Vaccine Injury Compensation Program." Id. at 2-3.

¹ Because this Order reflects a position that may be unaided among the public, the undersigned is ordering that it be posted on the website of the United States Court of Federal Claims.

IT IS SO ORDERED.

Dated: November 29, 2012

s/ Laura D. Millman
Laura D. Millman
Special Master