

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

No. 13-167V

Filed: November 18, 2013

LORIN FORCINE and BLAISE FORCINE, *
legal representatives of minor child *
William Forcine, *

Petitioners, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

RULING ON ENTITLEMENT¹

Vowell, Chief Special Master:

On March 5, 2013, Lorin and Blaise Forcine, legal representatives of minor child, William Forcine [“petitioners”] filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² [the “Vaccine Act” or “Program”], on behalf of their minor son, William Forcine [William]. The petition alleges that William suffered the “Table” injury known as anaphylaxis within four hours after receipt of the measles mumps rubella vaccine on March 5, 2010. Petition at 1.

On November 18, 2013, respondent filed her Rule 4(c) report [“Respondent’s Report”], in which she concedes that petitioners are entitled to compensation in this case. Respondent’s Report at 4. Specifically, respondent submits that “William’s injury meets the Table requirements for the presumptive injury of anaphylaxis, and that compensation should be awarded for that injury and its sequel.” *Id.* She adds that, “[p]rior to the vaccination at issue, Williams did not have any allergic reactions, and no other cause for William’s anaphylaxis on March 5, 2010 has been identified. *Id.*; 42

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post this ruling on the United States Court of Federal Claims’ website, in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)). In accordance with Vaccine Rule 18(b), petitioners have 14 days to identify and move to delete 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 delete 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 “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

U.S.C. §300aa-13(a)(1)(B). Respondent also agreed, based on the petitioners' affidavits and William's most recent allergen profile on October 30, 2013, documenting elevated bovine serum albumin IgE and abnormal gelatin IgE, that the statutory six month sequel requirement has been satisfied. Respondent's Report at 4; see *also* Pet. Ex. 8, Pet. Ex. 9 at 1-2.

In view of respondent's concession and the evidence before me, I find entitlement to compensation based on a Vaccine Table injury. 42 C.F.R. § 100.3(a)(III)(A). A separate damages order will issue.

IT IS SO ORDERED.

s/ Denise K. Vowell
Denise K. Vowell
Chief Special Master