

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 11-122V

Filed: November 3, 2011

SHEILA KATRICE RHODES,

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Petitioner,

*

Special Master Zane

*

v.

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Entitlement; measles-mumps-rubella
vaccination; left arm mass (abscess), scar.

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Elizabeth M. Muldowney, Rawls & McNelis, P.C., Richmond, VA, for Petitioner;
Justine E. Daigneault, United States Dep't of Justice, Washington, D.C., for Respondent.

UNPUBLISHED RULING FINDING ENTITLEMENT*

On February 28, 2011, Petitioner, Sheila Katrice Rhodes, sought compensation for her injuries resulting from the administration of the measles-mumps-rubella (“MMR”), vaccination. Ms. Rhodes 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. Rhodes’s claim is compensable under the Act. Respondent stated that “the facts of this case support a finding that petitioner’s left arm mass that developed at the site of the MMR injection, more likely than not, was caused in fact by the MMR vaccination administered to petitioner on March 3, 2011. The evidence also demonstrates that petitioner suffered the effects or sequelae of her injury for more than six months after vaccine administration . . . In light of petitioner’s medical records, respondent has

*Because this ruling 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).

concluded that petitioner's left arm mass is compensable as a 'caused-in-fact' injury under the Vaccine Act." Respondent further states that the scope of damages to be awarded is limited to Petitioner's left arm mass and does not include other concurrent or subsequent conditions and diagnoses.

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 Ms. Rhodes has established that she is entitled to compensation.

Accordingly, the undersigned finds that Ms. Rhodes is entitled to compensation.

IT IS SO ORDERED.

/s/ Daria J. Zane
Daria J. Zane
Special Master