

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 12-392V

Filed: October 9, 2012

NOT TO BE PUBLISHED

BRIAN RIFE and ANNE RIFE,
parents of B.R., a minor,

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Petitioners,

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Special Master Zane

v.

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Ruling on entitlement; inactivated polio vaccine (IPV); diphtheria-tetanus-acellular-pertussis (DTaP); haemophilus influenza vaccine (Hib); pneumococcal conjugate vaccine; liability conceded.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

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Respondent.

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Ronald C. Homer, Conway, Homer & Chin-Caplan, Boston, MA, for Petitioner
Gordon E. Shemin, United States Dep't of Justice, Washington, D.C., for Respondent

UNPUBLISHED RULING ON ENTITLEMENT¹

On June 19, 2012, Brian and Anne Rife (“Petitioners”) filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986 (“the Vaccine Act”), 42 U.S.C. § 300a-10, *et seq.*, as amended on behalf of B.R., a minor. Petitioners alleged that as a result of receiving the inactivated polio vaccine, the diphtheria-tetanus-acellular-pertussis vaccine, the haemophilus influenza vaccine, and the pneumococcal conjugate vaccine, all on August 25, 2009, B.R. developed sterile abscesses. Petition at 1.

On September 19, 2012, Respondent conceded that Petitioners were entitled to compensation. Moreover, the facts in this case support a finding, by a preponderance of the evidence, that B.R.’s sterile abscesses were caused by the vaccinations administered on August 25, 2009. *See e.g.*, Petitioners’ Ex. 5, Ex. 6, Ex. 8.

¹ Because this ruling contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this ruling on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, “the entire” decision will be available to the public. *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).

Therefore, after considering the evidence, the undersigned finds that Petitioners have established that they are entitled to compensation.

IT IS SO ORDERED.

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