

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS
No. 12-749V
Filed: January 14, 2013**

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|---------------------|---|---------------------------------------|
| RACHAEL DONNELLY, | * | |
| | * | |
| Petitioner, | * | Ruling on Entitlement; Conceded; |
| v. | * | Influenza; Shoulder Injury Related to |
| | * | Vaccine Administration ["SIRVA"] |
| SECRETARY OF HEALTH | * | |
| AND HUMAN SERVICES, | * | |
| | * | |
| Respondent. | * | |

RULING ON ENTITLEMENT¹

Vowell, Special Master:

On November 2, 102, Rachael Donnelly 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"]. The petition alleges that as a result of an influenza vaccine administered to her on September 22, 2011 she suffered a left shoulder injury and required transarthroscopic surgery. Petition at 2-3.

On January 14, 2013, respondent filed her Rule 4(c) Report ["Respondent's Report"], in which she concedes that petitioner is entitled to compensation in this case. Respondent's Report at 4. Specifically, respondent submits that petitioner's claim "satisfies the *Althen* requirements and that her SIRVA [shoulder injury related to vaccine administration] was caused-in-fact by the flu vaccination she received on September 22, 2011." *Id.* Respondent notes that no alternative causes for petitioner's injury were identified and that the statutory six month sequela requirement was met. *Id.*

In view of respondent's concession and the evidence before me, I find entitlement to compensation.

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

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post this ruling and order on the United States Court of Federal Claims'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), petitioner has 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).