

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 12-618V

Filed: August 10, 2017

Not to be Published.

J.T.,

*

*

Petitioner,

*

*

v.

*

Tetanus-diphtheria-acellular
pertussis (Tdap); Table brachial
neuritis; respondent concedes
entitlement

*

SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

*

Respondent.

*

*

Lisa A. Roquemore, Rancho Santa Margarita, CA, for petitioner.

Lisa A. Watts, Washington, DC, for respondent.

MILLMAN, Special Master

RULING ON ENTITLEMENT¹

On September 19, 2012, petitioner filed a petition under the National Childhood Vaccine Injury Act, 42 U.S.C. § 300aa-10-34 (2012), alleging that tetanus-diphtheria-acellular pertussis (“Tdap”) vaccine he received on October 1, 2009 caused him neurological injury. Pet. at ¶¶ 1 and 2.

On December 10, 2012, the undersigned held the first telephonic status conference in this case. Respondent’s counsel stated that this might be a conceded case of a Table brachial neuritis. Respondent wanted to file a Rule 4(c) Report. The undersigned gave petitioner until February 1, 2013 to make a demand on respondent.

¹ Because this unpublished ruling contains a reasoned explanation for the special master’s action in this case, the special master intends to post this unpublished ruling on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). Vaccine Rule 18(b) states that 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 constitute a clearly unwarranted invasion of privacy. When such a decision is filed, petitioner has 14 days to identify and move to redact such information prior to 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 redact such material from public access.

On December 18, 2012, respondent filed his Rule 4(c) Report conceding entitlement, i.e., that the Tdap vaccine caused petitioner's left brachial neuritis, a Table injury. Respt's Rep. at 6-7. This case has been in damages since then. It is on the cusp of resolution by proffer.

On August 10, 2017, respondent informally requested by e-mail to the undersigned's law clerk that the undersigned issue a ruling on entitlement. The undersigned **GRANTS** respondent's informal request.

The undersigned rules that petitioner is entitled to damages.

IT IS SO ORDERED.

Dated: August 10, 2017

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