

The COVID-19 vaccination accident also reported 8 deaths as of March 8, 2021, but the injury investigation team's investigation announced that there was no causal relationship.

The court ruled that the KDCA's decision was discretionary. Accordingly, if the KDCA refuses to acknowledge the relationship, the court will only examine the KDCA chief's abuse of discretion, even if the victim files a lawsuit. The way for the victim to be compensated for the injury by the lawsuit has become not easy.

The criteria for determining causality currently operated by the government shall be in accordance with the five-stage screening criteria prepared by the Committee for Compensation for Vaccination.

The 5 steps are paid if it falls under 1), 2) and 3). The 5 steps are following: 1) Relevance The obvious case (Definitely related, definite); 2) If there is a possibility of relevance (probably related, possible); 3) If there is a possibility of relevance (possibly related, possible); 4) Relevant to be acknowledged difficult cases (probable not related, unlike); 5) Clear the relevance is not the case (definitely not related).

The problem is that even if this screening standard is followed, the boundary between 3) and 4) is ambiguous, so it is bound to comply with the payment decision of the Vaccination injury Compensation Committee. Anyone who disagrees with this must file an administrative lawsuit against the Director of the KDCA (Table 3).

However, as the injury compensation committee decided that there was no relationship. If the head of the KDCA refuses to make a decision to pay compensation, the victim should argue in a lawsuit whether there is a causal relationship. The court should assume that the causal relationship required as a premise to receive compensation for vaccination accidents should not be clearly proved medically and scientifically, but that there is evidence if it is assumed that there is a causal relationship to consider indirect facts. In other words, in order to estimate causality, there is a time-space close relationship between vaccination and disability, the disability of the victim is not impossible from the vaccination, and evidence that the disorder is unknown or not caused by the vaccination.¹⁸

For example, in the case of Gilbert syndrome, an adverse reaction due to competition between vaccination, influenza vaccine and gastrointestinal tract infection, which is a leading cause, the KDCA and the court of first instance can regard the plaintiff's injury as a symptom caused by gastrointestinal infection. Vaccination compensation was not paid because the possibility of the vaccine was unclear and the relevance to vaccination was difficult to recognize.

Table 3. Criteria for causal relationship review by the Vaccination injury Compensation Committee

1. Relevance The obvious case (definitely related, definite)	If there is clear evidence of vaccination, there is proximity to the chronological sequence in which abnormal reactions have emerged, and, for any other reason, causality by vaccination is recognized, and it is recognized as a known vaccine response.
2. If there is a possibility of relevance (probably related, probable)	If there is clear evidence of vaccination, there is proximity to the chronological sequence in which abnormal reactions have emerged, and the causality of the vaccine is recognized more than for any other reason.
3. If there is a possibility of relevance (possibly related, possible)	If there is clear evidence of vaccination and there is proximity to the chronological order in which abnormal reactions have emerged, but the occurrence of results for other reasons is also recognized as the same level of probability as vaccination.
4. Relevant to be acknowledged difficult cases (probably not related, unlike)	In the case that there is clear evidence of vaccination, and the time sequence in which the abnormal reaction occurred is less close, and the possibility of the vaccine is unclear.
5. Clear the relevance is not the case (definitely not related)	If there is no clear evidence of vaccination, if there is no close proximity of the chronological order in which the adverse reaction has emerged, or if any other obvious cause has been identified.