

Not to be Published

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² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

To receive compensation under the Program, Petitioners must prove either 1) that W.O.J. suffered a “Table Injury” – *i.e.*, an injury falling within the Vaccine Injury Table – corresponding to one of W.O.J.’s vaccinations, or 2) that W.O.J. suffered an injury that was actually caused by a vaccine. See §§ 300aa-13(a)(1)(A) and 300aa-11(c)(1). An examination of the record did not uncover any evidence that W.O.J. suffered a “Table Injury.” Further, the record does not contain any persuasive evidence indicating that W.O.J.’s alleged injury was vaccine-caused.

Further, Petitioners’ own Motion acknowledges that their “investigation of the facts and available science” has demonstrated that they will be unable to prove that they are entitled to compensation in the Vaccine Program.

Accordingly, it is clear from the record in this case that Petitioners have failed to demonstrate either that W.O.J. suffered a “Table Injury” or that W.O.J.’s injuries were “actually caused” by a vaccination. **Thus, this case is dismissed for insufficient proof. The Clerk shall enter judgment accordingly.**

IT IS SO ORDERED.

s/George L. Hastings, Jr.
George L. Hastings, Jr.
Special Master