

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 06-213V

Filed: May 9, 2017

Not to be Published

ERIC MOXLEY and
JAYNNA MOXLEY, parents
of M.M.M., a minor,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

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Petitioners' Motion for a
Decision Dismissing the Petition;
Insufficient Proof of Causation; Vaccine
Act Entitlement; Denial Without Hearing

DECISION

On March 17, 2006, Eric Moxley and Jaynna Moxley filed a Petition for Vaccine Compensation in the National Vaccine Injury Compensation Program ("the Program"),¹ alleging that M.M.M. was injured by a vaccine listed in the Vaccine Injury Table. *See* § 14. The information in the record, however, does not show entitlement to an award under the Program.

On May 5, 2017, Petitioners moved for a decision dismissing their petition, acknowledging that they will be unable to prove that they are entitled to compensation in the Program.

Accordingly, I conclude from the record in this case that Petitioners have failed to demonstrate either that M.M.M. suffered a "Table Injury" or that M.M.M.'s injury was "actually

¹ 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.

caused” by a vaccination. **Thus, this case is dismissed. The Clerk shall enter judgment accordingly.**

IT IS SO ORDERED.

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