



After Petitioner filed his medical records and Respondent filed her 4(c) Report disputing compensation, I ordered Petitioner to file an expert report supporting his claim. Petitioner filed an expert report from Dr. Marcel Kinsbourne on June 1, 2015. ECF No. 15. Respondent then filed the expert report of Dr. Arnold I. Levinson on August 31, 2015. ECF No. 21. Following a status conference on September 9, 2015, I set the deadline of October 16, 2015 for Petitioner's supplemental expert report. Petitioner subsequently filed two motions for extensions of time – both of which I granted – but never filed another expert report.

Instead, on December 3, 2015, Petitioner advised the Court that Petitioner did not wish to file anything further. ECF No. 26. During a status conference held on December 21, 2015, I set a deadline for Respondent to file a Motion to Dismiss, which she did on February 12, 2016. ECF No. 27. Respondent primarily avers that the case should be dismissed because Petitioner failed to establish an appropriate temporal association between his receipt of the flu vaccine and his development of GBS nearly five months later. *Id.* at 1-2.

Petitioner then requested a motion for extension of time to file a response (ECF No. 28), which I granted, giving Petitioner until March 25, 2016. On March 23, 2016, however, Petitioner instead filed a Motion to Dismiss, averring that he had “lost confidence in the Vaccine Program and its ability to adjudicate his Petition in a fair and just manner.” ECF No. 30 at 1. In an effort to not waste the resources of the Court, Petitioner expressed a desire to dismiss the case. *Id.* at 2. Petitioner acknowledged that he understood that such a decision would result in a judgment against him, which would in turn end all of his rights in the Vaccine Program. *Id.* However, he intended to protect his rights to file a civil action in the future. *Id.*

To receive compensation under the Vaccine Program, a petitioner must prove either (1) that he suffered a “Table Injury” – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of his vaccinations, or (2) that he suffered an injury that was actually caused by a vaccine. *See* §§ 13(a)(1)(A) and 11(c)(1). An examination of the record, however, does not uncover any evidence that Petitioner suffered a “Table Injury.” Further, the record does not contain sufficient persuasive evidence, even including the expert report that was filed, establishing that the alleged injury that Petitioner experienced could have been caused by the vaccinations received (*see* § 11(c)(1)(D)(i)).

**Thus, this case is dismissed for insufficient proof. The Clerk shall enter judgment accordingly.**

**IT IS SO ORDERED.**

/s/ Brian H. Corcoran  
Brian H. Corcoran  
Special Master