

The petition was filed without medical records shortly before expiration of the Vaccine Act's statute of limitations. See § 16(a)(2) (applicable statute of limitations). During the subsequent six months, petitioner gathered and filed some of the medical records relevant for her claim. See Exhibits 1, 3-5, filed May 19, 2016 (ECF No. 13). By email communication on May 19, 2016, petitioner's counsel informed the OSM staff attorney managing this SPU case that some records still were outstanding.⁴ However, counsel added that, after a review of the medical records obtained, petitioner did not intend to proceed with her claim.

On May 23, 2016, petitioner moved for a decision dismissing her petition, acknowledging that insufficient evidence exists to demonstrate entitlement to compensation. (ECF No. 15). Petitioner indicated in her motion that "[a]n investigation of the facts and science supporting her case has demonstrated to petitioner that she will be unable to prove that she is entitled to compensation in the Vaccine Program." Id. at ¶ 2. Petitioner further indicated that she "has been advised that such a judgment will end all of her rights in the Vaccine Program." Id.

To receive compensation under the Program, petitioner must prove either 1) that she suffered a "Table Injury" – i.e., an injury falling within the Vaccine Injury Table – corresponding to a covered vaccine, or 2) that she suffered an injury that was actually caused by a covered vaccine. See §§ 13(a)(1)(A) and 11(c)(1). Examination of the record does not disclose any evidence that petitioner suffered a "Table Injury." Further, the record does not contain a medical expert's opinion or any other persuasive evidence indicating that petitioner's alleged injury was vaccine-caused.

Under the Vaccine Act, a petitioner may not be awarded compensation based on the petitioner's claims alone. Rather, the petition must be supported by either the medical records or by a medical opinion. § 13(a)(1). In this case, the record does not contain medical records or a medical opinion sufficient to demonstrate that the vaccinee was injured by a vaccine. For these reasons, and in accordance with § 12(d)(3)(A), **petitioner's claim for compensation is denied and this case is dismissed for insufficient proof. The Clerk shall enter judgment accordingly.**⁵

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Chief Special Master

⁴ Petitioner's counsel included respondent's counsel on the email correspondence.

⁵ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.