

Amended Petition at 9.

Respondent filed the Rule 4(c) report on June 16, 2014, stating that this case was not appropriate for compensation. Respondent stated that petitioners failed to prove by a preponderance of the evidence that E.M.M.'s chronic constipation and gastrointestinal problems were caused-in-fact by any of her vaccinations. Respondent argued that the evidence produced to date fails to demonstrate a reasonable basis for moving forward and states that the petition must be dismissed.

On November 5, 2014, petitioners filed an unopposed motion for a dismissal decision. In their motion, petitioners state that "an investigation of the facts and science supporting [their case] has demonstrated to the Petitioners that they will be unable to prove that E.M.M. is entitled to compensation in the Vaccine Program." Motion at 1. Petitioners states that they understand that a decision by the Special Master will result in a judgment against them, and that such a judgment will end all rights in the Vaccine Program. *Id.* Respondent has no objection to petitioners' motion.²

To receive compensation under the Vaccine Act, petitioners must prove either 1) that E.M.M. suffered a "Table Injury" – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of her vaccinations, or 2) that E.M.M. 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 E.M.M. suffered a "Table Injury." Further, the record does not contain a medical expert's opinion or any other persuasive evidence indicating that E.M.M.'s injuries were caused by a vaccination.

Under the Vaccine Act, a petitioner may not be awarded compensation based solely on the petitioner's claims. Rather, the petition must be supported by either medical records or by the opinion of a competent physician. § 300aa-13(a)(1). In this case, because the medical records are insufficient to establish entitlement to compensation, a medical opinion must be offered in support. Petitioners, however, have not offered a medical expert opinion.

Therefore, the only alternative remains to DENY this petition. **Thus, this case is dismissed for insufficient proof. In the absence of a motion for review, the Clerk shall enter judgment accordingly.**

IT IS SO ORDERED.

/s/ Nora Beth Dorsey
Nora Beth Dorsey
Special Master

² Respondent was contacted on November 6, 2014 via email by the undersigned's law clerk, and respondent confirmed that she has no objection to the special master issuing a decision dismissing the petition, as petitioners represent in their motion.