

to marshal all such evidence, along with any relevant case law in support of his claim. Order at 1 (ECF No. 23).

Petitioner has now filed a motion seeking dismissal of this case. Pet'r's Unopposed Mot. for a Dismissal Decision at 1 (ECF No. 24). In that motion, Petitioner indicates that he cannot provide additional testimony or documentation supporting evidence of vaccination in December 2010. *Id.* Petitioner also represented that Respondent expressed no opposition to the motion. *Id.*

To receive compensation under the Vaccine Program, a petitioner has the threshold burden of proving that he received a covered vaccination. § 11(c)(1)(A). An examination of the record, however, does not uncover sufficient persuasive evidence regarding Petitioner's receipt of the flu vaccination. Under the Vaccine Act, a petitioner may not receive a Vaccine Program award based solely on his claims alone. Rather, the petition must be supported by either medical records or by the opinion of a competent physician. §13(a)(1). In this case, there is insufficient evidence in the record for Petitioner to meet his burden of proof on the threshold issue of proof of vaccination. Petitioner's claim therefore cannot succeed and must be dismissed. §11(c)(1)(A).

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