

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF SPECIAL MASTERS  
No. 14-404V  
Filed: July 11, 2014**

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LISSA GARCIA, trustee for  
the next-of-kin of STEFON GARCIA,  
a deceased minor,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Dismissal; Statute of Limitations;  
Death case

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*Randall Knutson, Esq.*, Farrish Johnson Law Office, Mankato, MN for petitioner.  
*Gordon Shemin, Esq.*, U.S. Dept. of Justice, Washington, DC for respondent.

**DISMISSAL DECISION<sup>1</sup>**

**Gowen**, Special Master:

On May 12, 2014, petitioner filed a petition for Vaccine Compensation in the National Vaccine Injury Compensation Program [“the Program”],<sup>2</sup> alleging that DTaP, HiB, IPV, PCV, and Rotavirus vaccines caused Stefon Garcia’s death on August 29, 2011. The information in the record demonstrates that this petition was filed more than 24 months from the date of death and thus was untimely filed. See §16 (a)(3).

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioners have 14 days to identify and move to delete medical or other information, that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

<sup>2</sup> 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.

On June 27, 2014, petitioner moved for a decision dismissing this petition acknowledging that part or all of petitioner's claim is beyond the statute of limitations. Motion for a Dismissal Decision, filed July 3, 2014, para.1.

**Accordingly, this petition is hereby dismissed as untimely filed. The Clerk shall enter judgment accordingly.**

**IT IS SO ORDERED.**

**s/ Thomas L. Gowen**

Thomas L. Gowen  
Special Master