



and has concluded that petitioners are entitled to a presumption of causation because the medical records establish that A.T. suffered an encephalopathy meeting the criteria of the Vaccine Injury Table, 42 C.F.R. § 100.3. Resp. Report at 5. “Specifically, A.T.’s encephalopathy manifested between five and fifteen days after his receipt of the MMR vaccination, and there is not preponderant evidence that his condition was due to a factor unrelated to the vaccine.” *Id.* at 5-6. Respondent further states that “based on the medical records outlined [in her Rule 4(c) Report], the sequela of A.T.’s injury persisted for more than six months after the administration of the vaccine. 42 U.S.C. § 300aa- 11(c)(1)(D)(I). Therefore, based on the record as it now stands, petitioners have satisfied all legal prerequisites for compensation under the Vaccine Act.” *Id.* at 7.

Special masters may determine whether a petitioner is entitled to compensation based on the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon respondent’s recommendation in favor of compensation and a review of the record as a whole, the undersigned finds that petitioners have established that they are entitled to compensation based on a Table encephalopathy. 42 C.F.R. 100.3(a)(III)(B). A separate damages order will issue.

**IT IS SO ORDERED.**

**s/Thomas L. Gowen**

Thomas L. Gowen

Special Master