



On October 28, 2016, Respondent filed a Rule 4(c) Report stating compensation was not appropriate and this case should be dismissed. Resp't's Rep. at 1, 8, ECF No. 19. On October 9, 2017, Petitioner submitted an expert report from Dr. Marcel Kinsbourne. Ex. 23. Respondent submitted an expert report from Dr. Gregory Holmes on January 19, 2018. Ex. A.

On August 8, 2019, I directed Petitioner to file a responsive expert report. *See* non-PDF Scheduling Order on 8/8/2019. On March 4, 2020, Petitioner filed a status report stating she is unable to file a responsive expert report and requested a status conference. ECF No. 55. On March 9, 2020, I held a status conference with the parties. Counsel for Petitioner stated that Petitioner believed that there was reasonable basis to pursue this claim, however, this Court has not found a link between the HPV vaccine and fibromyalgia, tachycardia, and/or dysautonomia. *See* Scheduling Order on 3/9/2020, ECF No. 56. As such, Petitioner would like to dismiss her case and preserve the option of pursuing a civil claim. *Id.* I gave Petitioner 30 days to file a Motion to Dismiss Her Petition. *Id.*

On April 8, 2020, Petitioner filed a Motion for a Decision Dismissing Her Petition. ECF No. 57. In the motion, Petitioner states that

because of the complex presentation of her illness and paucity of medical literature examining the causal connection between vaccines and dysautonomia and POTS, the expert retained in [this] case has been unable to provide a medical opinion to establish the vaccine was more likely than not the cause of [Petitioner's] condition. . . . Petitioner believes she will be unable to prove that she is entitled to compensation in the Vaccine Program.

*Id.* at 1.

To receive compensation under the Vaccine Program, a petitioner must prove either (1) that she suffered a "Table Injury" – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of his vaccinations, or (2) that she suffered an injury that was actually caused by a vaccine. *See* Sections 13(a)(1)(A) and 11(c)(1). Moreover, under the Vaccine Act, a petitioner may not receive a Vaccine Program award based solely on her claims alone. Rather, the petition must be supported by either medical records or by the opinion of a competent medical expert. Section 13(a)(1). In this case, however, there is insufficient evidence in the record for Petitioner to meet her burden of proof. Petitioner's claim therefore cannot succeed and, in accordance with her motion, must be dismissed. Section 11(c)(1)(A).

**Thus, this case is DISMISSED for insufficient proof. The Clerk shall enter judgment accordingly.**

**IT IS SO ORDERED.**

**s/ Katherine E. Oler**  
Katherine E. Oler  
Special Master