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In the United States Court of Federal Claims  
OFFICE OF SPECIAL MASTERS  
No. 16-1258V

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CHI QUACH, *on behalf of J.T., a minor,*

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

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\* Special Master Katherine E. Oler  
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\* Filed: March 18, 2022  
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\* Petitioner’s Motion for a Decision;  
\* Dismissal of Petition; Vaccine Act.  
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*Mark Sadaka*, Law Offices of Sadaka Associates, LLC, Englewood, NJ, for Petitioner  
*Matthew Murphy*, U.S. Department of Justice, Washington, DC, for Respondent

**DECISION DISMISSING PETITION<sup>1</sup>**

On October 3, 2016, Chi Quach (“Petitioner”), filed a petition on behalf of her minor daughter J.T. for compensation under the National Vaccine Injury Compensation Program,<sup>2</sup> alleging that J.T. suffered from systemic lupus erythematosus (“SLE”) as a result of the Tdap, HPV, Meningitis, and/or the influenza (“flu”) vaccines she received between October 4, 2013, and November 1, 2013. Pet., ECF No. 1. Petitioner filed supporting medical records on October 10, 2016, January 9, 2017, and June 9, 2017. ECF Nos. 6, 10, 20. Petitioner filed a statement of completion on June 9, 2017. ECF No. 21.

<sup>1</sup> Although this Decision has been formally designated “not to be published,” it will nevertheless be posted on the Court of Federal Claims’ website in accordance with the E-Government Act of 2002, 44 U.S.C. § 3501 (2012). **This means the Decision will be available to anyone with access to the internet.** As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the Decision’s inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has fourteen days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, the Decision in its present form will be available. *Id.*

<sup>2</sup> The Vaccine Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3758, codified as amended at 42 U.S.C. §§ 300aa-10 through 34 (2012) (“Vaccine Act” or “the Act”). Individual section references hereafter will be to § 300aa of the Act (but will omit that statutory prefix).

On August 28, 2017, Respondent filed his Rule 4(c) report, indicating he believed that this case was “not appropriate for compensation under the Act.” Resp’t.’s Rep. at 2, ECF. No. 25.

Petitioner and Respondent both filed expert reports in support of their respective positions. Ex. 16; Exs. A, C.

On March 30, 2020, Petitioner filed a status report indicating that she wished to file expert reports in response to Respondent’s expert reports. ECF No. 72. Petitioner requested numerous extensions of time between June 29, 2020 and March 8, 2022. *See* ECF Nos. 73, 74, 76, 77, 82, 87, 88, 89, 91, 92, and 93.

On March 18, 2022, Petitioner filed the instant Motion to Dismiss stating that J.T. had reached the age of majority and “is not interested in pursuing this matter and has requested that petitioner dismiss the claim.” Pet’r’s Mot. at 1, ECF No. 94. Petitioner indicated that she “understands that a decision by the Special Master dismissing her petition will result in judgment against her” and that she has “been advised that such a judgment will end all of her rights in the Vaccine Program. *Id.* Petitioner also indicated that she intends to reject the judgment and file a civil action. *Id.*

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 her vaccination, or (2) that she suffered an injury that was actually caused by a vaccine. *See* §§ 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. § 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. § 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