

To receive compensation under the Program, petitioner must prove either (1) that she suffered a “Table Injury”—i.e., an injury falling within the Vaccine Injury Table—corresponding to the vaccination, or (2) that she suffered an injury that was actually caused by the vaccination. See §§ 13(a)(1)(A) and 11(c)(1). An examination of the record did not uncover evidence that petitioner suffered a “Table Injury” and the record does not contain any persuasive evidence indicating that petitioner’s alleged injuries were caused by the flu vaccination.

Under the Vaccine Act, petitioner may not be found entitled to compensation based solely on her own claims. In this case, petitioner alleges that she developed GBS as a result of a flu vaccine. During the initial status conference on March 15, 2017, the undersigned discussed a number of issues in the case based on the medical records filed to date. Scheduling Order issued on March 16, 2017, ECF No. 10. Namely, petitioner received the flu vaccine on November 29, 2013, and did not seek medical attention until September 2014. Those medical records indicate that the onset of her symptoms was approximately one week earlier, which was approximately 10 months after the vaccination. This creates a major challenge to petitioner’s case. Furthermore, her affidavit indicating onset “approximately two months” after the vaccination appears inconsistent with multiple records. Accordingly, the undersigned encouraged petitioner’s counsel to give serious consideration as to whether the case should proceed. Based on an investigation of the facts and the science relevant to her claim, petitioner has concluded that she will be unable to prove that she is entitled to compensation in the Vaccine Program. Mot. for Decision at 1.

Accordingly, it is clear from the record in this case that petitioner has failed to demonstrate either that she suffered a “Table Injury” or that her injuries were “actually caused” by the November 29, 2014, vaccination.

Thus, this case is dismissed for insufficient proof. The Clerk of the Court shall enter judgment accordingly.

IT IS SO ORDERED.

/Thomas L. Gowen
Thomas L. Gowen
Special Master