

After some medical records relevant to Petitioner's case were filed (*see* ECF Nos. 7-8), Respondent filed his Rule 4(c) Report and represented that he did not think this claim was appropriate for compensation. ECF No. 12. I held a status conference thereafter and expressed my concerns about the claim's viability, based on Respondent's Rule 4(c) Report as well as my preliminary consideration of the medical records. *See* Scheduling Order, dated April 28, 2017 (ECF No. 13). I noted that the records did not appear to support a finding that C.B.'s alleged reaction occurred any sooner than four to five weeks following vaccination, and informed Petitioner of the other Vaccine Program decisions that persuasively rejected her proposed causation theory. *Id.* In light of these concerns, I urged Petitioner to consider whether she would still like to go forward with her claim and obtain an expert report, or whether she would move for a dismissal. *Id.*

After several extensions of time, Petitioner filed a Motion for a Decision Dismissing the Petition on June 14, 2017. ECF No. 16. In it, Petitioner stated that she recognized she would likely be unable to meet her burden of proof and establish entitlement to compensation, and that to proceed further would waste the Vaccine Program's resources. ECF No. 16 at 1-2. She also noted her intent to protect her rights to file a civil action in the future. *Id.* at 2.

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). An examination of the record, however, does not uncover any evidence that C.B. suffered a "Table Injury." Further, the record does not contain a medical expert's opinion or any other persuasive evidence indicating that C.B.'s alleged injury could have been caused or significantly aggravated by the DTaP vaccination that he received on December 9, 2013. The filed medical records also do not support Petitioner's claim.

Under the Vaccine Act, a petitioner may not be given 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 physician. Section 13(a)(1). In this case, there is insufficient evidence in the record for Petitioner to meet her burden of proof. Petitioner's claim therefore cannot succeed and 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/ Brian H. Corcoran
Brian H. Corcoran
Special Master