

ORIGINAL

REISSUED FOR PUBLICATION

SEP 29 2017

OSM

U.S. COURT OF FEDERAL CLAIMS

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

No. 17-554V

Filed: August 18, 2017

(Not for Publication)

FILED

AUG 18 2017

OSM
U.S. COURT OF
FEDERAL CLAIMS

CHRISTOPHER T. WYNN, *

Petitioner, *

v. *

SECRETARY OF HEALTH AND HUMAN SERVICES, *

Respondent. *

DECISION DISMISSING PETITION

On April 20, 2017, the Petitioner, Christopher Wynn, filed this petition, alleging that he was injured by unspecified vaccinations administered to him in 2007 and prior years. In an order filed on April 28, 2017, I ordered the Petitioner to provide the dates and types of vaccinations in question, and any *evidence* that he was harmed by vaccinations.

On May 25, Petitioner filed a letter describing some vaccinations administered to him in 1991 through 2008, attaching some medical records which indicated that he had *received* some of those vaccinations, but no evidence that he was *harmed* by any vaccinations. On June 21, I filed an order instructing Petitioner that his petition appears to have been untimely filed, and giving him 30 days in which to respond to that issue of timely filing.

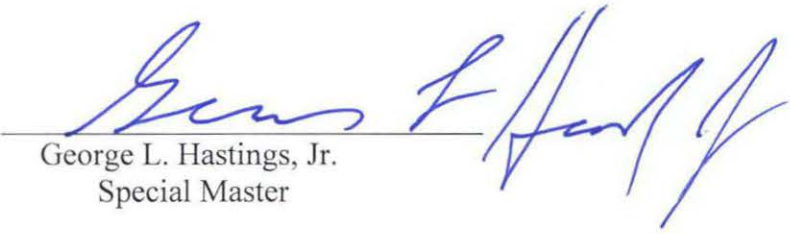
Since I issued that Order, however, Petitioner has filed only a letter signed by his mother, Chandra Price, filed on July 17, 2017. In that letter, Ms. Price described a Vaccine Act petition that she filed in 2008, which had also alleged vaccine injuries to her son Christopher Wynn. That prior petition, No 08-93V, however, was dismissed by Special Master Gary Golkiewicz, on June 1, 2012, because Ms. Price had failed to demonstrate that her son had any vaccine-caused injuries.

After reviewing the record of Case No. 08-93V, I find that the case was appropriately dismissed by Special Master Golkiewicz. Further, Ms. Price's letter filed on July 17 in *this* case contains no information or allegations indicating that *this case* was filed in a timely fashion.

I have great sympathy for the difficulties of the Petitioner, Mr. Wynn, and his mother. But the record of this case makes it quite clear that the petition in this case, alleging injury by vaccinations administered in 1991 – 2008, was untimely filed.¹ (In addition, I note that nothing in the records of either case contains any evidence that in fact Mr. Wynn was *harmed by vaccinations*.)

Accordingly, this case is hereby DISMISSED as untimely filed. See 42 U.S.C. § 300aa-16(a)(6).

IT IS SO ORDERED.



George L. Hastings, Jr.
Special Master

¹ I also seen no evidence justifying “equitable tolling” of the statute of limitations in this case.