



of the Hepatitis B and pneumococcal conjugate vaccinations he received on February 13, 2015 and the DTaP-Hib-IPV (Pentacel) and separate Hib vaccinations he received on August 24, 2015. Petition at 1, ECF No. 1. Petitioners filed their statement of completion on August 28, 2017. ECF No. 21.

On January 8, 2018, Respondent filed a Rule 4(c) Report (“Respondent’s Report”). ECF No. 26. Respondent stated that Petitioners had not satisfied their burden of proof, specifically noting that Petitioners failed to establish the nature of CT’s injuries and a causal relationship between any injuries and CT’s vaccinations. *Id.* at 12-13. Respondent concluded that “[P]etitioners have not demonstrated entitlement to compensation under the terms of the Act.” *Id.* at 13.

Following Respondent’s Report, Petitioners were given more than one year to retain an expert and file a report in support of their petition. Petitioners moved for and were granted a total of six extensions to file an expert report. On April 2, 2019, I held a status conference via telephone with the parties to discuss Petitioners’ progress. Following the call, Petitioners filed the instant motion to dismiss their claim on April 11, 2019, indicating that “[an] investigation of the facts, the available medical testing, the state of the science supporting [P]etitioners’ case, and [P]etitioners’ review of the case decisions of the Office of Special Masters, the United States Court of Federal Claims and the United States Court of Appeals for the Federal Circuit, have demonstrated to [P]etitioners that they will be unable to prove that [P]etitioners are entitled to compensation in the Vaccine Injury Compensation Program.” *See* Petitioners’ Motion for a Decision Dismissing the Petition, ECF No. 41.

To receive compensation under the Vaccine Program, a petitioner must prove either (1) that he suffered a “Table Injury” – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of his vaccinations, or (2) that he 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 his 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 Petitioners to meet their burden of proof. Petitioners’ claim therefore cannot succeed and, in accordance with their 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