

would waste the resources of the Court, the respondent and the Vaccine program. *Id.* at ¶ 2. Petitioner understands that a decision by the Special Master dismissing her petition will result in a judgment that will end all of her rights in the Vaccine Program. *Id.* at ¶ 3. Petitioner understands that she may apply for fees and costs once the case is dismissed and judgment is entered against her. *Id.* at ¶ 4. Respondent expressly reserves the right to question the good faith and reasonable basis of this claim and to oppose, if appropriate, petitioner’s application for fees and costs. *Id.* Respondent otherwise does not oppose this motion. Petitioner intends to protect her rights to file a civil action in the future. Therefore, pursuant to § 300aa-21(a)(2), petitioner intends to elect to reject the Vaccine Program judgment and elect to file a civil action. *Id.* at ¶ 5.

To receive compensation in the Vaccine Program, petitioner has the burden of proving either: (1) that petitioner suffered a “Table Injury,” i.e. an injury beginning with a specified period of time following receipt of a corresponding vaccine listed on the Vaccine Injury Table (a “Table injury”) or (2) that petitioner suffered an injury that was caused-in-fact by a covered vaccine. §§ 13(a)(1)(A); 11(c)(1). Moreover, under the Vaccine Act, the Vaccine Program may not award compensation based on petitioner’s claims alone. Rather, petitioner must support the claim with either medical records or the opinion of a competent medical expert. §13(a)(1). In this case, petitioner has not alleged nor does the record reflect a Table injury. With regard to an off-Table injury, petitioner has not provided sufficient medical records or expert opinion(s) which support a finding of entitlement. Accordingly, petitioner has not met her burden of proof.

Thus, petitioner’s motion is GRANTED. This matter is DISMISSED for insufficient proof. The Clerk of the Court shall enter judgment accordingly.³

IT IS SO ORDERED.

s/Thomas L. Gowen
Thomas L. Gowen
Special Master

³ Entry of judgment is expedited by each party’s filing notice renouncing the right to seek review. Vaccine Rule 11(a).