

report. ECF No. 18. On August 14, 2019, I held a status conference via telephone informing Petitioner that in light of Respondent's Rule 4(c) report and expert report, I believed that a responsive expert report from a neurologist would be helpful in deciding the issues in this case. *See* Order, ECF No. 19. Petitioner agreed and requested 180 days to file a report, which I granted. *Id.* Petitioner was also directed to file certain records requested by Respondent in his Rule 4(c) Report. *Id.* On January 22, 2020, Petitioner filed a status report indicating that he had not yet seen a doctor for his injuries. *See* Pet'r's Status Rep., ECF No. 20.

Petitioner filed a motion to dismiss his claim on February 12, 2020, indicating that “[a]n additional investigation of the diagnosis of Brachial Neuritis and science supporting his case has demonstrated to petitioner that he will be unable to prove that he is entitled to compensation in the Vaccine Program.” Pet'r's Mot., ECF No. 21 at 1.

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 his vaccination, or (2) that he suffered an injury that was actually caused by a vaccine. *See* §§ 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. § 13(a)(1). In this case, however, there is insufficient evidence in the record for Petitioner to meet his burden of proof. Petitioner's claim therefore cannot succeed and, in accordance with his motion, must be dismissed. § 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