



I then gave Petitioner until August 5, 2019 to file a status report indicating how he wished to proceed in light of Respondent's Report. *See* 6/28/2019 Non-PDF Scheduling Order. On August 5, 2019, Petitioner filed a status report requesting any opportunity to retain an expert. ECF No. 18. I set an initial deadline to file an expert report by October 4, 2019. *See* 8/5/2019 Non-PDF Scheduling Order.

Petitioner filed the instant motion to dismiss his claim on October 9, 2019, indicating that “[an] investigation of the facts and science supporting has demonstrated to the Petitioner that he will be unable to prove that he is entitled to compensation in the Vaccine Program.” *See* Pet'r's Mot., ECF No. 21.

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* 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 Petitioner to meet his burden of proof. Petitioner's claim therefore cannot succeed and, in accordance with his 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