

On February 12, 2019, Respondent moved for an Order to Show Cause stating that the medical records filed by Petitioner documented onset at fifteen weeks post vaccination, a delay well beyond the established interval for medical feasibility. *See* Motion for Order to Show Cause, ECF No. 11; 42 C.F.R. § 100.3(c)(15)(i).

Petitioner filed her response to Respondent's motion on February 25, 2019. ECF No. 15. I held a status conference via telephone with the parties on March 12, 2019. During the conference, I expressed my concern regarding onset and the lack of corroborating evidence for Petitioner's claim. Petitioner's Counsel conceded that the medical records and Petitioner's account regarding the onset of symptoms were inconsistent and irreconcilable with the contemporaneous medical records. Following the conference, Petitioner filed a status report on April 10, 2019 indicating her intention to file the instant motion to dismiss. ECF No. 17. Petitioner filed her motion for a decision dismissing her petition on April 16, 2019. ECF No. 18.

To receive compensation under the Vaccine Program, a petitioner must prove either (1) that she suffered a "Table Injury" – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of his vaccinations, or (2) that she 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 her 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 her burden of proof. Petitioner's claim therefore cannot succeed and, in accordance with her 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