



[a]n investigation of the supporting facts and science has demonstrated to the [p]etitioner that she will be unable to prove that she is entitled to compensation in the Vaccine Program. In these circumstances, to proceed any further would be unreasonable, and would waste the resources of the Court, the respondent, and the Vaccine Program.

Petitioner's Motion for Decision Dismissing Her Petition at ¶¶ 1-2. Petitioner states that she understands that a decision by the Special Master will result in a judgment against her, and that she has been advised that such a judgment will end all of her rights under the Vaccine Act. Id. at ¶ 3. Petitioner states that she understands that she may apply for costs once her case is dismissed and judgment is entered against her and that respondent expressly reserves the right to question good faith and reasonable basis of her claim and oppose her application for cost if appropriate. Id. at ¶ 4. Additionally, petitioner intends to protect her right to file a civil action, and pursuant to the Act, she intends to elect to reject the Vaccine Program judgment against her and elect to file a civil action. Id. at ¶ 6.

To receive compensation under the Program, petitioner must prove either (1) that she suffered a "Table Injury"—i.e., an injury falling within the Vaccine Injury Table—corresponding to the vaccination, or (2) that she suffered an injury that was actually caused by the vaccination. See §§ 13(a)(1)(A) and 11(c)(1). The records submitted by petitioner show that she does not meet the statutory requirement under 42 U.S.C. § 300aa-11(c)(1)(D)(i) to establish entitlement to compensation. The Federal Circuit has explained that the eligibility requirements in Section 11(c) are not mere pleading requirements or matters of proof at trial, but instead are "threshold criteri[a] for seeking entry into the compensation program." Black v. Sec'y of Health & Human Servs., 93 F.3d 781, 785-87 (Fed. Cir. 1996).

Accordingly, in light of petitioner's motion and a review of the record, the undersigned finds that petitioner is not entitled to compensation. **Thus, this case is dismissed. The Clerk of Court shall enter judgment accordingly.**

**IT IS SO ORDERED.**

s/Nora Beth Dorsey  
Nora Beth Dorsey  
Special Master