

I held a status conference via telephone with the parties on May 17, 2019 to discuss how Petitioner wanted to proceed. Following the call, Petitioner filed the instant motion to dismiss her claim on May 29, 2019, indicating that “[a]n investigation of the facts and science supporting her case has demonstrated that [Petitioner] will be unable to prove that she is entitled to compensation in the Vaccine Program.” *See* Pet’r’s Mot. for a Decision Dismissing her Pet., ECF No. 16.

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 her vaccinations, or (2) that she 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 her 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 her burden of proof. Petitioner’s claim therefore cannot succeed and, in accordance with her 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