

On December 16, 2019, Respondent filed his Rule 4(c) report, indicating he believed that this case was “not appropriate for compensation under the terms of the Act.” Resp.’s Rep. at 1, ECF. No. 11. I thereafter ordered Petitioner to file a status report indicating how he would like to proceed. *See* Non-PDF Scheduling Order dated 12/17/2019.

After requesting several extensions of time, Petitioner filed a motion to dismiss on September 3, 2020, indicating that “an investigation of the facts 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. 19 at 1. He further stated that “in these circumstances, to proceed further would be unreasonable and would waste the resources of the Court, the [R]espondent, and the Vaccine Program.” *Id.* Petitioner stated he “understands that a decision by the Special Master dismissing his petition will result in a judgment against him” and he “has been advised that such a judgment will end the instant claim in the Vaccine Program and has confirmed his understanding in writing.” *Id.* Petitioner also indicated that he intends to reject the judgment and file a civil action. *Id.* Petitioner’s motion further states that “Petitioner’s counsel will not be seeking costs and fees under these circumstances.” *Id.*

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