



(ECF No. 56) (“Mot.”). The Motion confirms that Petitioner has been advised that a decision dismissing the petition will be “with prejudice,” and result in a judgment against him, and that such a judgment will end all his rights in the Vaccine Program with regard to this specific claim arising from his October 3, 2018, flu vaccine. Mot. at 1. Petitioner intends to elect to reject the judgment against him and instead elect to file a civil action. *Id.*

Under Vaccine Rule 21(b)(1), a petitioner may request a decision dismissing a petition, even after preparation of Respondent’s Rule 4(c) Report (and here, even after a favorable entitlement decision). Under such circumstances, the decision will result in a judgment, although the dismissal will be with prejudice (unless otherwise indicated). Rule 21(b)(1) and (2). Here, I find such a decision appropriate. Petitioner has affirmatively represented that he prefers to no longer proceed with his claim, despite the entitlement determination.

Accordingly, I hereby **DISMISS** the Petition with prejudice. In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of the Court **SHALL ENTER JUDGMENT** in accordance with the terms of this Decision.<sup>3</sup>

**IT IS SO ORDERED.**

/s/ Brian H. Corcoran  
Brian H. Corcoran  
Chief Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment if (jointly or separately) they file notices renouncing their right to seek review.