

On October 4, 2023, I issued a Scheduling Order (a copy of which was mailed to the Petitioner) directing her to file a Status Report on or before November 30, 2023, setting forth her progress in obtaining new counsel, as well as stating whether she is prepared to proceed in advancing a non-Table claim or wishes to continue to maintain a flu-GBS Table Claim. (ECF No. 51). Petitioner did not act, so I issued a second Order on December 12, 2023 (a copy of which was also mailed) extending Petitioner's deadline to comply with my initial order. (ECF No. 52). Again, Petitioner did not act, and so a third Order (a copy of which was again mailed) directing Petitioner to contact my chambers immediately was issued on January 17, 2024. (ECF No. 53). Petitioner has failed to comply with this Order as well.

Under Vaccine Rule 21(b), a special master may dismiss a petition for failure of the petitioner to prosecute or comply with any order of the special master. In this case, Petitioner has repeatedly failed during the pendency of this case to respond to the deadlines set by my court orders. She also lacks expert support needed to substantiate her claim. 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 physician. Section 13(a)(1). In this case, there is insufficient evidence in the record for Petitioner to meet her burden of proof. Therefore, Petitioner's claim cannot succeed and must be dismissed. Section 11(c)(1)(A).

Accordingly, I hereby **DISMISS** Petitioner's case. In the absence of a motion for review filed pursuant to RCFC Appendix B, and pursuant to Vaccine Rule 21(b)(2), the Clerk of the Court **SHALL ENTER JUDGMENT** in accordance with the terms of this Decision.³

A copy of this Decision shall be sent via email to Petitioner at mhammer931@twc.com, and via First-class mail to the following address:

Marsha Hammer, as Executrix of the Estate of George Hammer, 4507 Saratoga Woods Dr., Louisville, KY 40299

IT IS SO ORDERED.



Brian H. Corcoran
Chief Special Master

³ 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.