

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 20-1762V
UNPUBLISHED

JAMES VAUGHAN,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: February 17, 2021

Voluntary dismissal; Order
concluding proceedings.

ORDER CONCLUDING PROCEEDINGS¹

On December 4, 2020, James Vaughan filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa—10 through 34² (the “Vaccine Act”). Petitioner alleges that he suffered a mycobacterial bovis infection in 2019 from twelve cycles of Bacillus Calmette-Guerin (“BCG”) immunotherapy treatments received between February 2012 and October 2013. Petition at 1. On January 13, 2021, an order to show cause issued because BCG immunotherapy treatments are not listed on the Vaccine Injury Table and, thus, are ineligible for compensation. On February 12, 2021, Petitioner filed a notice of voluntary dismissal.

In light of Petitioner’s “notice of dismissal at any time before service of respondent’s report” pursuant to Vaccine Rule 21(a), **this case is dismissed without prejudice.**

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master

¹ Although I have not formally designated this Order for publication, I am required to post it on the United States Court of Federal Claims' website because it contains a reasoned explanation for the action in this case, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Order will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).