



Motion for a Decision Dismissing Their Petition, filed Mar. 7, 2023, at ¶ 2 (ECF No. 42). “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. at ¶ 3. Petitioner indicated that 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 all of his rights in the Vaccine Program. Id. at ¶ 4. Petitioner states that he intends to protect his right to file a civil action and to elect to reject the Vaccine Program judgment to file a civil action. Id. at ¶ 6

To receive compensation under the Program, Petitioner must prove either (1) that he suffered a “Table Injury”—i.e., an injury falling within the Vaccine Injury Table—corresponding to the vaccination, or (2) that he suffered an injury that was actually caused by the vaccination. See §§ 11(c)(1), 13(a)(1)(A). The records submitted by Petitioner show that he does not meet the statutory requirement to establish entitlement to compensation. The Federal Circuit has explained that the eligibility requirements in Section 11(c) are not mere pleading requirements or matters of proof at trial, but instead are “threshold criteri[a] for seeking entry into the compensation program.” Black v. Sec’y of Health & Hum. Servs., 93 F.3d 781, 785-87 (Fed. Cir. 1996).

Accordingly, in light of Petitioner’s motion and a review of the record, the undersigned finds that Petitioner is not entitled to compensation. **Thus, this case is dismissed. The Clerk shall enter judgment accordingly.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**  
Nora Beth Dorsey  
Special Master