

chin, and shoulder pain, after receipt of her second Hepatitis B (“Hep. B”) vaccine administered on March 10, 2021.

Petitioner filed a status report on May 26, 2022, requesting that a decision be made based upon what had been filed in the case. Status Report, dated May 26, 2022, at 1 (ECF No. 44). I subsequently held a status conference on July 11, 2022, to discuss the matter. Respondent requested that at the time that he be allowed to file a Rule 4(c) Report, seeking dismissal of the case, and he did so. Respondent’s Report, dated July 14, 2022 (ECF No. 47) (“Respondent’s Rep.”). I thus set a deadline of July 29, 2022, for Petitioner to respond in writing to the Motion to Dismiss. Scheduling Order, dated July 14, 2022 (ECF No. 48). Petitioner has not filed anything to date, and this is now ripe for decision.

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 had previously been warned that the record did not contain sufficient evidence to support her claim (in particular establishing that she experienced six months of symptoms severity). Order, dated April 21, 2022 (ECF No. 43). This was in fact the basis for Respondent’s dismissal motion. Respondent’s Rep. at 6. Petitioner’s treatment also did not include other evidence of “inpatient hospitalization or surgical intervention,” that would meet the statutory severity requirement. *Id.* Accordingly – and despite fair opportunity to provide it – there is insufficient evidence in the record for Petitioner to meet her burden of proof. Petitioner’s claim cannot succeed. 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

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.