



July 7, 2018.

After a status conference held on March 30, 2022, I ordered Petitioner to file relevant medical records in the case, since the filings had been extremely limited, and it did not appear the records that had been filed supported an entitlement claim. I set a date of June 30, 2022, for the medical records to be filed.

On July 11, 2022, Petitioner informally communicated to Chambers that she wished to dismiss the claim. To that end, I issued a Scheduling Order for Petitioner to file a notice voluntarily dismissing the claim on or before July 25, 2022, noting also that I would dismiss the claim *sua sponte* if this date passed without action by the Petitioner. ECF No. 20. Petitioner did not file any notice by this deadline, however, and still has never offered any medical records to support her claim.

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 did not file the necessary medical records to substantiate her claim, nor did she file a notice asking for dismissal. 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.<sup>3</sup>

**IT IS SO ORDERED.**



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.