

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 22-0294V

UNPUBLISHED

ALEXIS MAE MONTGOMERY

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: December 11, 2023

ORDER CONCLUDING PROCEEDINGS¹

On March 14, 2022, Alexis Mae Montgomery filed a petition for compensation the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa—10 through 34.² Petitioner alleged that she suffered a left shoulder injury related to vaccine administration (“SIRVA”) due to receipt of an influenza (“flu”) vaccine on March 14, 2019. Petition at 1.

On October 4, 2023, I issued an Order to Show Cause stating that the record as it now stands would not permit a favorable Table SIRVA on the majority of the claim’s elements. ECF No. 25. On December 4, 2023, Petitioner timely filed a Stipulation of Dismissal pursuant to 42 U.S.C. § 300aa—21(a), requesting that the action be dismissed.

In light of Petitioner’s “stipulation of dismissal signed by all parties who have appeared in the action” pursuant to Vaccine Rule 21(a)(1)(B), **this case is dismissed without prejudice**. Accordingly, **this Order hereby notifies the Clerk of Court that proceedings “on the merits” of this petition are now concluded, but no judgment “on the merits” should be entered by the Clerk’s Office.**

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.