



On April 28, 2023, Petitioner moved for a Motion for Decision Dismissing her Petition, stating that “an investigation of the facts and science supporting has demonstrated to the Petitioner that she will be unable to prove that A.E.C. is entitled to compensation in the Vaccine Program.” (ECF No. 19). It would therefore be unreasonable to proceed and waste judicial resources in pursuit of the claim. *Id.*

Respondent has not filed a Rule 4(c) Report in this case, making dismissal appropriate under Rule 21(a)(1)(A). However, Petitioner’s motion requests a decision (which will result in a judgment), so that she may she protect her rights to file a civil action in the future. She thus understands that a decision dismissing her petition will result in a judgment against her, ending all of her rights in the Vaccine Program. *Id.* Accordingly, a decision dismissing the petition is the appropriate form of relief. *See Jodoin v. Sec’y of Health & Hum. Servs.*, No. 19-1651V, 2023 WL 1963865, at \*1 (Fed. Cl. Spec. Mstr. Feb. 13, 2023).

To be entitled to compensation under the Vaccine Act, a petitioner must demonstrate that he or she 1) suffered a “Table Injury”—i.e., an injury falling within the Vaccine Injury Table—corresponding to her vaccination, or 2) that she suffered an injury that was actually caused by a vaccine. *See* § 13(a)(1)(A) and 11(c)(1). But Petitioner has affirmatively represented she cannot meet the relevant evidentiary standards.

For these reasons, and in accordance with Section 12(d)(3)(A), **Petitioner’s claim for compensation is therefore denied and this case is dismissed for insufficient proof. The Clerk of Court shall enter judgment accordingly.**<sup>3</sup>

**IT IS SO ORDERED.**

/s/ Brian H. Corcoran  
Brian H. Corcoran  
Chief Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties’ joint filing of notice renouncing the right to seek review.