

bearing on the subject that would justify re-examining whether PMR could be a vaccine-associated injury.

To that end, on September 3, 2024, I issued a Scheduling Order directing Petitioner to file a brief showing cause (on or before October 31, 2024), why the case should not be dismissed for failure to satisfy *Althen* Prong One. Scheduling Order (ECF No. 23) (“Order”). On the day of the deadline, Petitioner filed an Unopposed Motion for Extension of Time, requesting that the show cause deadline be extended a little over one month, to December 2, 2024. (ECF No. 24). I granted the motion.

However, on December 2, 2024, Petitioner filed a second extension request (ECF No. 25). I granted this motion as well, but made clear that I would not entertain any future motions for extension of time. *See* December 2, 2024 Docket Entry. The new deadline to respond to the September 3rd Show Cause Order was set for January 2, 2025. But Petitioner has failed to comply with the Order and has not otherwise asked again for additional extensions.

Under Vaccine Rule 21(c), 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 requested two extensions (each time at the very last minute), both of which were granted, but has allowed the most recent deadline to pass without action. Moreover, Petitioner has been on notice as to my reasoned concerns about the claim’s viability – and despite due opportunity, has failed to act.

At bottom, Petitioner lacks the scientific/medical support needed to substantiate her claim. 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). And dismissal is also appropriate for failure to adhere to my prior orders. *See* Vaccine Rule 21(c); *see also Sapharas v. Sec’y of Health & Hum. Servs.*, 35 Fed. Cl. 503 (1996); *Tsekouras v. Sec’y of Health & Hum. Servs.*, 26 Cl. Ct. 439 (1992), *aff’d*, 991 F.2d 819 (Fed. Cir. 1993).

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(c)(2), the Clerk of the Court **SHALL ENTER JUDGMENT** in accordance with the terms of this Decision.³

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.

IT IS SO ORDERED.

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