

of *Althen* Prong One, thereby permitting him to substantiate what new scientific or medical evidence would support the claim.

Petitioner has now filed a motion for a decision dismissing the claim. *See* Motion, dated Feb. 24, 2025 (ECF No. 36). Petitioner maintains that he has chosen not to proceed forward with his claim. Mot. at 2. Petitioner has been advised that a decision dismissing the petition will result in a judgment against him, and that such a judgment will end all his rights in the Vaccine Program with regard to this specific claim arising from his November 4, 2020 flu vaccine. *Id.*

Under Vaccine Rule 21(b)(1), a petitioner may request a decision dismissing a petition, even after preparation of Respondent’s Rule 4(c) Report. Under such circumstances, the decision will result in a judgment, although the dismissal will be with prejudice (unless otherwise indicated). Rule 21(b)(1) and (2). Here, I find such a decision appropriate. 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 his vaccination, or 2) that she suffered an injury that was actually caused by a vaccine. *See* § 13(a)(1)(A) and 11(c)(1). Petitioner has affirmatively represented that he prefers to no longer proceed with his claim, has not offered evidence sufficient to support the claim, and alleges a form of claim that the Program has otherwise not deemed meritorious.

Accordingly, I hereby **DISMISS** the Petition with prejudice. In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of the Court **SHALL ENTER JUDGMENT** in accordance with the terms of this Decision.³

IT IS SO ORDERED.

/s/ Brian H. Corcoran
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.