

evidence that (1) she received the flu vaccine in her injured right shoulder and (2) her pain began within 48 hours of vaccination. Id. at 9-14. Thereafter, the parties briefed the issues. See Petitioner’s Motion for a Ruling on the Record (“Pet. Mot.”), filed Sept. 13, 2024 (ECF No. 20); Resp. Response to Pet. Mot., filed Nov. 12, 2024 (ECF No. 22).

Given these issues, this matter was reassigned out of SPU to the undersigned on February 24, 2026. Order Reassigning Case dated Feb. 23, 2026 (ECF No. 27); Notice of Reassignment dated Feb. 24, 2026 (ECF No. 28). The undersigned held a status conference on March 10, 2026. Order dated Mar. 10, 2026 (ECF No. 31). After a review of the record, the undersigned noted her concerns regarding onset, preliminarily finding onset to be in July 2021, prior to the September 2021 flu vaccination at issue. Id. at 1-3. Petitioner was directed to indicate how she would like to proceed. Id. at 3-4.

On March 27, 2026, Petitioner filed a Motion for a Decision Dismissing Her Petition pursuant to Vaccine Rule 21(b). Pet. Mot. for a Decision Dismissing Her Petition, filed Mar. 27, 2026 (ECF No. 33). Petitioner reported that “an investigation of the facts supporting her case has demonstrated to Petitioner that she will be unable to prove that she is entitled to compensation in the Vaccine Program for either SIRVA” and “to proceed further would be unreasonable and would waste the resources of the Court, the Respondent, and the Vaccine Program.” Id. at 1. “Petitioner understands that a decision by the Special Master dismissing her petition will result in a Judgment against her . . . [that] will end all her rights in the Vaccine Program.” Id. at 2. Lastly, Petitioner indicated she “does intend to protect her rights to file a civil action in the future” and “intends to elect to reject the Vaccine Program Judgment against her.” Id. at 2.

Under Vaccine Rule 21(b), which governs voluntary dismissals of a petition with entry of judgment, “The special master or the court may dismiss a petition or any claim therein at the petitioner’s request on terms that the special master or the court considers proper by issuance of a decision pursuant to 42 U.S.C. § 300aa-12(d)(3).” Vaccine Rule 21(b)(1). Unless stated otherwise, the dismissal “is with prejudice” and “will result in a judgment pursuant to Vaccine Rule 11 for purposes of 42 U.S.C. § 300aa-21(a).” Vaccine Rule 21(b)(2).

The undersigned **GRANTS** Petitioner’s motion. In accordance with Vaccine Rule 21(b), this case is hereby **DISMISSED WITH PREJUDICE**. The Clerk of Court is instructed to enter judgment accordingly.

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Special Master