

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

(Filed: March 18, 2008)

DO NOT PUBLISH

JOSEPH BOUGIE and NICOLE BOUGIE,)
as parents of their daughter,)
MAKAYLA ANN BOUGIE,)
))
Petitioners,)
))
v.)
))
SECRETARY OF)
HEALTH AND HUMAN SERVICES,)
))
Respondent.)

No. 08-0111V
Duplicate Petition

DECISION¹

Petitioners, Joseph Bougie and Nicole Bougie (Mr. Bougie and Ms. Bougie or the Bougies), as parents of their daughter, Makayla Bougie (Makayla), seek compensation under the National Vaccine Injury Compensation Program (Program).² Appearing *pro se*, the Bougies filed on February 25, 2008, a short-form autism petition for vaccine compensation. *See* Short-Form Autism Petition for Vaccine Compensation (Short-Form Petition). The Bougies’ Short-Form Petition duplicates essentially a petition that Dennis Potts, Esq. (Mr. Potts), acting as Ms. Bougie’s attorney of record, filed on February 22, 2008. *See Bougie v. Secretary of HHS*, No. 08-0102V.

¹ As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, “the entire decision” will be available to the public. *Id.*

² The statutory provisions governing the Vaccine Program are found in 42 U.S.C. §§ 300aa-10 *et seq.* For convenience, further reference will be to the relevant section of 42 U.S.C.

The statute enacting the Program provides: “Only one petition may be filed with respect to each administration of a vaccine.” § 300aa-11(b)(2); *see also Zatuchni v. Secretary of HHS*, – F.3d –, 2008 WL 360997, *6-7 (Fed. Cir. 2008)(discussing the “single petition rule.”). Yet, the Bougies have filed two petitions—one petition on February 22, 2008, in case number 08-0102V, and a Short-Form Petition on February 25, 2008, in this case, case number 08-0111V. Therefore, the special master is constrained to dismiss the Short-Form Petition in this case. In the absence of a motion for review filed under RCFC Appendix B, the clerk of court shall enter judgment dismissing the Short-Form Petition as a duplicate petition.

The clerk of court shall send the Bougies’ copy of this decision to the Bougies by overnight express delivery.

John F. Edwards
Special Master