

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 02-**{redacted}** V

Filed: **{redacted}**, 2008

not to be published

{Jane Doe/15},

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

Vaccine Act Entitlement
Denial Without Hearing

DECISION¹

On January 7, 2002, the petitioner filed a petition seeking compensation under the National Vaccine Injury Compensation Program (“the Program”).² The petition alleges that various vaccinations injured her daughter, **{redacted}**. The information in the record, however, does not show entitlement to an award under the Program.

To receive compensation under the Program, the petitioner must prove either: 1) **{redacted}** suffered a “Table Injury” -- *i.e.*, an injury falling within the Vaccine Injury Table -- corresponding to one of the vaccinations in question, or 2) that **{redacted}**’s problems were actually caused by a vaccine. *See* 42 U.S.C. §§ 300aa-13(a)(1)(A) and 300aa-11(c)(1). My examination of the filed medical records, however, did not uncover any evidence that **{redacted}** suffered a “Table Injury.” Further, the records do not contain a medical expert’s opinion indicating that any of **{redacted}**’s problems were vaccine-caused.

Under the statute, a petitioner may not be given a Program award based solely on petitioner’s claims alone. Rather, the petition must be supported by either the medical records or by the opinion of a competent physician. 42 U.S.C. § 300aa-13(a)(1). Here, because the medical records do not seem to support the petitioner’s claim, a medical opinion would have to be offered in support. Petitioner, however, offered no such opinion, and in her motion acknowledges that

¹In a motion filed on April 14, 2008, the petitioner requested the redaction of personal information be privacy reasons.

²The statutory provisions governing the National Vaccine Injury Compensation Program are found in 42 U.S.C. § 300-10 et seq. (2000 ed.).

she is “* * * aware that the evidence of record in this case does not support a finding that {redacted} is entitled to compensation in the Vaccine Program.”

In a motion filed on January 25, 2008, counsel for petitioner asked that I rule upon the record as it now stands.³

I am, of course, sympathetic to the fact that {redacted} suffers from an unfortunate medical condition. However, under the law I can only authorize compensation when a medical condition either falls within one of the “Table Injury” categories, or is shown by competent medical opinion to be vaccine-caused. No such proof exists in the record before me. Therefore, I have no choice but to hereby DENY this claim. In the absence of a timely-filed motion for review of this decision (see Appendix B to the Rules of the Court), the Clerk shall enter judgment in accord with this decision.

/s/George L. Hastings, Jr.

George L. Hastings, Jr.
Special Master

³Petitioner filed other similar motions which were subsequently withdrawn. *See* my order of January 24, 2008, and petitioner’s filings of November 29, 2007, and December 3, 2007.