

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**  
**No. 07-0683V**

Filed: March 3, 2008

Not To Be Published

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JEFFREY ADIX AND KARRIE ADIX,  
On Behalf of their Son,  
JEFFREY ADIX

Petitioner(s),

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES

Respondent.

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*Jeffrey Adix and Karrie Adix, Mequon, WI, pro se petitioners.*

*Lynn Ricciardella, United States Department of Justice, Washington, DC, for respondent.*

**DECISION**<sup>1</sup>

The above-named petitioners filed a Short-Form Autism Petition For Vaccine Compensation on September 24, 2007. Pro-se petitioner, Karrie Adix, notified the court on February 5, 2008, petitioners wished to “cancel our claim.” A telephonic status conference was

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<sup>1</sup> Because this decision contains a reasoned explanation for the undersigned’s action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). 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.

conducted between the parties and the undersigned on February 15, 2008 to discuss petitioners' request. Petitioner, Karrie Adix repeated her request to cancel the above-captioned claim, explaining she had consulted with attorney who advised the above-captioned petition was not filed within "36 months after the date of the occurrence of the first symptom or manifestation of onset or of the significant aggravation of such injury" as required by the Vaccine Act. 42 U.S.C. § 300aa-16(a)(2). Petitioner noted her objection to the statutory filing requirement explaining she was unaware of the Vaccine Program or would have filed the petition earlier, however conceded the instant petition was not timely filed.

The undersigned indicated to petitioner the request to cancel the above-captioned claim will be treated as a request to have her case dismissed. Petitioner indicated her understanding. The undersigned further indicated to petitioner that unfortunately her lack of knowledge regarding the Vaccine Program is a policy argument concerning the wisdom of a statutory provision and "must be directed to Congress, not a judiciary officer." Id.; Beck v. Sec'y of Dept. Of Health and Human Servs. 924F.2d 1029, 1034 (Fed. Cir. 1991) ("Regardless of their merits, these policy arguments may be implemented only by Congress. Our duty is limited to interpreting the statute as it was enacted, not as it arguably should have been enacted.") The undersigned must apply the law as enacted, and the law as applied to this case requires petitioner's case be dismissed.

Accordingly, petitioners' request to have their case dismissed is **GRANTED**. The undersigned finds that petitioners' claim must be dismissed as petitioners have not proven by a preponderance of the evidence that the petition was filed within "36 months after the date of the occurrence of the first symptom or manifestation of onset or of the significant aggravation of such injury" as required by the Vaccine Act. Petitioners' claim is dismissed. The Clerk shall enter judgment accordingly.

**IT IS SO ORDERED.**

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Gary J. Golkiewicz  
Chief Special Master