

2008, asking that the undersigned dismiss this petition because it was untimely filed.² Petitioner has essentially conceded respondent's motion. Petitioner filed a Motion for Voluntary Dismissal Without Prejudice on March 5, 2008, stating that "Petitioner believes she has no meritorious defense to the running of the statute of limitations in this matter ." Motion for Voluntary Dismissal Without Prejudice at one.

Respondent's Motion to Dismiss is **GRANTED**. Accordingly, the undersigned finds that petitioner's claim must be dismissed as petitioner has not proved 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. Petitioner's claim is dismissed. The Clerk shall enter judgment accordingly.

IT IS SO ORDERED.

Gary J. Golkiewicz
Chief Special Master

²In relevant part, the Vaccine Act provides "in the case of"

a vaccine set forth in the Vaccine Injury Table which is administered after October 1, 1988, if a vaccine-related injury occurred as a result of the administration of such vaccine, no petition may be filed for compensation under the Program for such injury after the expiration of 36 months after the date of the occurrence of the first symptom or manifestation of onset or of the significant aggravation of such injury

42 U.S.C. § 300aa-16(a)(2).