

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 99-382V

(Filed: February 8, 2007)

NOT TO BE PUBLISHED

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QUINTON O. RIGGINS, JR.,

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Petitioner,

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v.

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SECRETARY OF HEALTH AND  
HUMAN SERVICES,

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Respondent.

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Motion for Ruling on the  
Record; Failure to Provide  
Supportive Expert Reports or  
Medical Records

ENTITLEMENT DECISION<sup>1</sup>

GOLKIEWICZ, Chief Special Master.

Petitioner, in good faith, filed a claim under the National Childhood Vaccine Injury Compensation Act (Vaccine Act of Act)<sup>2</sup> alleging a vaccine-related injury. The filing was timely, and it appears based upon the information in the record that there was a reasonable basis for the filing. The information in the records, however, is not sufficient to demonstrate causation and therefore not adequate to justify an entitlement to an award under the Act.

Petitioner has satisfied the filing requirements pursuant to §11(b) and (c) by showing that: (1) petitioner is a proper party or is a valid legal representative; (2) the vaccine at issue is vaccine

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<sup>1</sup>This document constitutes my final “decision” in this case, pursuant to 42 U.S.C. § 300aa-12(d)(3)(A). Unless a motion for review of this decision is filed within 30 days, the Clerk of this Court shall enter judgment in accord with this decision. Moreover, pursuant to 42 U.S.C. § 300aa-12(d)(4) and Rule 18(b)(2) of the Vaccine Rules of this Court, the petitioner(s) is reminded that within fourteen (14) days of this decision, petitioner(s) may request the redaction “of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (3) 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.

<sup>2</sup>The statutory provisions governing the Vaccine Act are found at 42 U.S.C. §§ 300aa-1-34 (1991 & Supp. 2002). Hereinafter, all references will be to the relevant subsection of 42 U.S.C. § 300aa.

set forth in the Vaccine Injury Table; (3) the vaccination was administered to petitioner in the United States; (4) no one has previously collected an award or settlement of a civil action for damages arising from the alleged vaccine-related injury; and (5) no previous civil action has been filed in this matter. Additionally, the §16(a) requirement that the petition be timely filed has been met.

Petitioner has now requested a ruling on the record indicating that “petitioner does not believe that causation can be proven at this time, as an expert cannot be found to render a favorable opinion concerning causation.” The Court hereby grants petitioner’s motion and now makes its decision based on the written filings.<sup>3</sup>

In order to prevail under the Vaccine Act, the petitioner must either show by preponderant evidence that a vaccination caused in fact the injury alleged. §11(c)(1)(C).

After reviewing the medical records, there is not sufficient evidence that petitioner’s case qualifies as a “Table injury.” Furthermore, there is insufficient evidence in the medical records and other exhibits filed by the petitioner that petitioner’s injury was related to the vaccine in question. Finally, petitioner has not proffered an expert opinion tying petitioner’s injury to the vaccine.

As aforementioned, the Court is only authorized to award compensation for claims where the medical records or medical opinion demonstrates by preponderant evidence that either a cognizable Table Injury occurred or the injury or death was caused-in-fact by the vaccination in question. § 13(a)(1). Petitioner has presented no such evidence by way of exhibits and has been unable to procure a medical expert opinion in support of causation.

Therefore, no alternative remains but to deny this petition. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment accordingly.

/s/ Gary J. Golkiewicz  
Gary J. Golkiewicz  
Chief Special Master

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<sup>3</sup>“Decision Without Evidentiary Hearing. The special master may decide a case on the basis of written filings without evidentiary hearing...” RCFC Appendix B Rule 8(d).