

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**  
**E-Filed: April 27, 2012**

* * * * *	*	
BETHANY LAROCHE,	*	UNPUBLISHED
Petitioner,	*	No. 10-835V
v.	*	Chief Special Master
SECRETARY OF THE	*	Campbell-Smith
DEPARTMENT OF	*	Petitioner's Motion for a
HEALTH AND HUMAN SERVICES,	*	Decision; Dismissing the Petition
Respondent.	*	for Insufficient Proof of
* * * * *	*	Causation; Vaccine Act
	*	Entitlement; Denial Without
	*	Hearing
* * * * *	*	

Ronald Homer, Conway, Homer & Chin-Caplan, P.C., Boston, MA, for petitioner.

Jennifer Reynaud, U.S. Dep't of Justice, Washington, D.C., for respondent.

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

On December 6, 2010, Bethany Laroche (“petitioner”) filed a petition, seeking compensation under the National Vaccine Injury Compensation Program (“the Program”).<sup>2</sup>

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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, § 205, 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 a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b).

Petitioner alleges that as a result of her receipt of an influenza (“flu”) vaccine administered on December 12, 2007, she thereafter suffered from a “neurological demyelinating injury.” Am. Pet.

On April 27, 2012, petitioner moved for a decision on the merits of the petition, acknowledging that insufficient evidence exists to demonstrate entitlement to compensation. See Pet’r’s Mot. for a Decision Dismissing the Pet.

Under the Act, a petitioner may not be given a Program award based solely on the petitioner’s claims alone. Rather, the petition must be supported by either medical records or by the opinion of a competent physician. § 13(a)(1). In this case, because there are insufficient medical records supporting petitioner’s claim, a medical opinion must be offered in support. Petitioner, however, has indicated that she “has been unable to file an expert report in her case, and will therefore be unable to prove that she is entitled to compensation in the Vaccine Program.” Pet’r’s Mot. for a Decision Dismissing the Pet. at ¶ 2.

Accordingly, it is clear from the record in this case that petitioner has failed to demonstrate that she is entitled to compensation under the Program.

**Thus, this case is dismissed for insufficient proof. The Clerk SHALL ENTER JUDGMENT accordingly.**

**IT IS SO ORDERED.**

s/Patricia E. Campbell-Smith  
Patricia E. Campbell-Smith  
Chief Special Master

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<sup>2</sup> The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3758, codified as amended, 42 U.S.C. §§ 300aa-10 et seq. (hereinafter “Vaccine Act” or “the Act”). Hereinafter, individual section references will be to 42 U.S.C. § 300aa of the Act.