



Act's statute of limitations.<sup>3</sup> On March 11, 2009, petitioners filed a response indicating that petitioners "do not oppose Respondent's Motion to Dismiss."

**As such, the undersigned finds that petitioners' claim was untimely filed under the Vaccine Act's statute of limitations and it is accordingly dismissed. § 16(a)(2).<sup>4</sup>**

**The clerk is directed to enter judgment accordingly.**

**IT IS SO ORDERED.**

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

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<sup>3</sup> In 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 . . . .

16(a)(2).

<sup>4</sup> Due to an administrative error this Decision was not filed directly subsequent to petitioners' Response filed March 11, 2009.