

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**  
**E-Filed: June 12, 2012**

* * * * *	*	
	*	
ALISSA SAPIEN,	*	UNPUBLISHED
by and through her	*	
natural father and next friend,	*	No. 12-13V
ROBERT SAPIEN	*	
	*	Chief Special Master
Petitioner,	*	Campbell-Smith
	*	
v.	*	Petitioner's Motion for a
	*	Decision; Dismissing the Petition
SECRETARY OF THE	*	for Insufficient Proof of
DEPARTMENT OF HEALTH AND	*	Causation; Vaccine Act
HUMAN SERVICES,	*	Entitlement; Denial Without
	*	Hearing; Gardasil Vaccine
Respondent.	*	Series
	*	
* * * * *	*	

William P. Ronan, III, The Ronan Law Firm, Overland Park, KS, for petitioner.  
Heather L. Pearlman, U.S. Dep't of Justice, Washington, D.C., for respondent.

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

On January 6, 2012, Robert Sapien (“petitioner”) filed a petition on behalf of his minor child, Alissa, seeking compensation under the National Vaccine Injury Compensation Program (“the Program”).<sup>2</sup>

---

<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 Alissa's receipt of a set of Gardasil vaccines administered on March 27, 2008, May 27, 2008, and October 28, 2008, she thereafter suffered from an autoimmune system injury, a neurological injury, frequent debilitating headaches, dizziness, chronic fatigue, light sensitivity, intermittent nausea, and other injuries. Pet. at ¶¶ 3, 5-6, 17.

On June 12, 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 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, petitioner acknowledges that "[a]n investigation of the facts and science supporting this case has demonstrated to Petitioner[] that [he] may not be able to prove that [he is] entitled to compensation in the Vaccine Program." Pet'r's Mot. for Decision Dismissing the Pet. ¶ 1, at 1.

Accordingly, it is clear from the record in this case that petitioner has failed to demonstrate entitlement 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 Campbell-Smith  
Patricia Campbell-Smith  
Chief Special Master

---

<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.