

**In the United States Court of Federal Claims**

**OFFICE OF SPECIAL MASTERS**

(E-Filed: January 8, 2007)

No. 99-111V

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|                                |   |                      |
|--------------------------------|---|----------------------|
| JEFF SNYDER,                   | ) |                      |
|                                | ) | UNPUBLISHED          |
|                                | ) |                      |
| Petitioner,                    | ) | Filed Records Do Not |
|                                | ) | Support a Finding of |
| v.                             | ) | Entitlement          |
|                                | ) |                      |
| SECRETARY OF THE DEPARTMENT OF | ) |                      |
| HEALTH AND HUMAN SERVICES,     | ) |                      |
|                                | ) |                      |
| Respondent.                    | ) |                      |

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

On March 5, 1999, petitioner, Jeff Snyder, filed a petition seeking compensation under the National Vaccine Injury Compensation Program (the Vaccine Program).<sup>2</sup>

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<sup>1</sup> The undersigned issues this final decision pursuant to 42 U.S.C. § 300aa-12(d)(3)(A). Absent the filing of a motion for review of this decision within thirty days, the Clerk of Court shall enter judgment in accordance with this decision.

Additionally, pursuant to 42 U.S.C. § 300aa-12(d)(4), Rule 18(b)(2) of the Vaccine Rules of this Court, and the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), this decision will be made available to the public unless a party objects, within fourteen days, to the disclosure of: (1) any “trade secret or commercial or financial information which is privileged and confidential;” or (2) any information contained in “medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy.”

<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C.A. § 300aa-10-§ 300aa-34 (West 1991 & Supp. 2002) (Vaccine Act or the Act). All citations in this decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

Petitioner alleges that the hepatitis B vaccinations that he received on or about September 28, 1993, and December 28, 1993, resulted in an adverse reaction to these inoculations. Petition (Pet.) at ¶ 3. Although petitioner's injury was not described with particularity in the petition, the petition asserted that "[a] fact-specific description of the claimed symptoms and the nature and extent of the injuries caused by the inoculation and the condition of the Petitioner at all relevant times will be set forth in affidavits which will be filed and is set forth in the medical records which, when filed, will be incorporated by reference herein and annexed hereto as Exhibits pursuant to 42 U.S.C. § 300aa-14(b) and § 300aa-11(c)(2)." Pet. ¶ 4. Petitioner's subsequently filed affidavit indicates that he was eventually diagnosed with primary sclerosing cholangitis and underwent a liver transplant. Petitioner's filed medical records detail the care and monitoring he received in connection with his transplant, but do not support a finding of entitlement to an award under the Vaccine Program.

To receive compensation under the Vaccine Program, a petitioner must prove either: (1) that he suffered, after receiving the vaccinations in question, an identified injury on the Vaccine Injury Table that occurred within the prescribed time period, referred to as a "Table" injury, or (2) that he suffered medical problems that were caused by the administered vaccinations, referred to as an "off-Table" injury. See 42 U.S.C. § 300aa-13(a)(1)(A) and § 300aa-11(c)(1). Petitioner bears the burden of establishing, by a preponderance of the evidence, that he is entitled to compensation. 42 U.S.C. § 300aa-13(a)(1)(A).

A careful review of the filed records has not produced any evidence that petitioner suffered a "Table Injury." Nor do the filed records contain a medical expert's opinion indicating that any of petitioner's alleged health problems were vaccine-caused.

The Vaccine Act prohibits a Program award to a petitioner based solely on unsubstantiated petitioner's claims. 42 U.S.C. § 300aa-13(a)(1). The Act requires that the petition must be supported by the medical records or by the opinion of a competent physician. Id. Because the filed medical records do not provide support for petitioner's claim, a medical opinion supporting petitioner's claim must be offered. Petitioner, however, has not offered a medical opinion.

By motion filed September 21, 2007 (Motion), petitioner's counsel requested a judgment on the record as it stands. Petitioner's counsel acknowledges that "[p]etitioner does not feel that he can prove causation, as he cannot find an expert to support causation in his case." Motion at 1.

Absent evidence in the filed records that petitioner's injury was caused by the

received vaccination, and without an opinion of causation offered by a competent physician, petitioner has failed to satisfy his burden under the Act entitling him to Program compensation. Accordingly, petitioner's motion for judgment on the record is **GRANTED**, and petitioner's claim for compensation under the Vaccine Program is **DENIED**.<sup>3</sup>

**IT IS SO ORDERED.**

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

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.