

**In the United States Court of Federal Claims**  
**OFFICE OF SPECIAL MASTERS**

No. 10-349V  
Filed: June 28, 2011  
Unpublished

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KAREN MAYNOR, as the Administrator for the Estate of MEGAN HILD, Decedent,	*	
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Petitioner,	*	Denial of compensation; Human
	*	papillomavirus vaccine, HPV;
v.	*	Death
	*	
SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,	*	
	*	
	*	
Respondent.	*	
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*Mark T. Sadaka, Mark T. Sadaka, MSPH, Esq., Englewood, NJ, for Petitioner.  
Darryl R. Wishard, U.S. Department of Justice, Washington, D.C., for Respondent.*

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

**Golkiewicz**, Special Master.

On June 7, 2010, petitioner filed a Petition for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-10 to -34 (hereinafter “Vaccine Act” or “the Act”). Petitioner alleges that decedent, Megan Hild (“Megan”), died on November 15, 2008, as a result of receiving the human papillomavirus (“HPV”) vaccine on October 29, 2007, January 14, 2008, and “in or about September or October 2008.” Pet. at 1-2.

Petitioner filed medical records from Presbyterian Medical Group (“PMG”), where Megan received the first and second HPV vaccines. Petitioner Exhibit (“P Ex.”) 1-2. The first and second HPV vaccines are documented by the medical records. P Ex. 1 at 22, 24, 35, 40. On April 29, 2008, Megan was to have received the third HPV vaccine but there is no signature on the vaccine administration form for the third vaccination or other proof in the medical records

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<sup>1</sup> The undersigned intends to post this decision on the website for the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 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). Otherwise, the entire decision will be available to the public. **Id.** **Any motion for redaction must be filed by no later than fourteen (14) days after filing date of this filing.** Further, consistent with the statutory requirement, a motion for redaction must include a proposed redacted decision, order, ruling, etc.

that Megan ever received the third vaccine, either at that time or at subsequent medical visits. P Ex. 1 at 17, 22, 24, 35.

A Fact Hearing was held on March 7, 2011. Due to the lay witness testimony regarding Megan's symptoms that conflicted between the testimony of the several witnesses and with the medical records, the undersigned cautioned petitioner that further proceedings "run the risk of being challenged for a reasonable basis . . . ." Order, filed March 8, 2011. A full discussion was conducted with counsel regarding the case's deficiencies. Petitioner was ordered to inform the Court how petitioner intended to proceed.

Thereafter, petitioner filed a Motion for Subpoena and Discovery on Presbyterian Administrative Center. P Motion, filed March 18, 2011. Respondent filed an Objection to Motion for Subpoena and Discovery arguing that the record is clear that Megan did not receive a third HPV vaccination and the petitioner's desired course for proceeding is unreasonable in light of this evidence. R Objection, filed March 24, 2011. The undersigned granted in part petitioner's Motion for Discovery and petitioner's Motion for issuance of a subpoena to obtain any and all records pertaining to Megan. On June 22, 2011, petitioner filed additional medical records from PMG. P Exs. 19.1-19.5.

A status conference was held on June 27, 2011, wherein petitioner averred that she is unable to provide the necessary medical records or medical opinion to support her case. Minute Entry, filed June 27, 2011. Pursuant to the Act, the petitioner must demonstrate, among other requirements, that she received a vaccine covered by the Act, and that she sustained an injury that was caused-in-fact by the vaccine or had an injury significantly aggravated by the vaccine. 42 U.S.C. 300aa-11(c). Petitioner must prove his case "by a preponderance of the evidence," 42 U.S.C. 300aa-13(a)(1)(A), and a finding cannot be made based upon unsupported claims of the petitioner alone. 42 U.S.C. 300aa-13(a)(1).

Petitioner's case is based upon her claims that Megan suffered certain symptoms preceding death that are not reflected in the medical records. The Act at 42 U.S.C. § 300aa-13(a) provides that the special master "may not make a finding based on the claims of a petitioner alone, unsubstantiated by medical records or by medical opinion." Petitioner is unable to produce a supportive medical opinion. Thus, this Petition remains unsupported by either medical records or medical opinion. In accordance with section 13(a), the undersigned has no option but to deny petitioner's claim for want of proof.

The Clerk shall enter judgment accordingly.<sup>2</sup>

**IT IS SO ORDERED.**

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

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<sup>2</sup> This document constitutes a 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 the Court shall enter judgment in accord with this decision.