

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

No. 10-297V
Filed: August 30, 2011
Reissued with redaction: August 31, 2011
Unpublished

PAMELA BALLARD, as parent and natural guardian of [B.M.B],	*	
	*	
	*	
Petitioner,	*	Denial; Human papillomavirus vaccine, HPV
	*	
v.	*	
	*	
SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,	*	
	*	
	*	
Respondent.	*	

Anne Carrion Toale, Maglio, Christopher & Toale, Sarasota, F.L., for Petitioner.
Foris Edward Johnson, U.S. Department of Justice, Washington, D.C., for Respondent.

DECISION¹

GOLKIEWICZ, Special Master.

On May 17, 2010, a Petition in this matter was filed alleging that petitioner’s daughter suffered a vaccine-related injury, a possible seizure disorder, due to the human papillomavirus vaccine (“HPV”) she received on June 19, 2008. Following submission of medical records, respondent filed her Rule 4(c) Report on November 19, 2010, which recommended against awarding compensation. Petitioner was thereafter granted time to investigate her claims. On August 29, 2011, petitioner filed a Motion for Decision Dismissing the Petition. Petitioner states, “[a]n investigation of the facts and science supporting her case has demonstrated to Petitioner that she will be unable to prove [her daughter] is entitled to compensation in the Vaccine Program.” P Motion at ¶ 1.

¹ 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.**

Upon petitioner's admission and a review of the record, petitioner fails to provide preponderant evidence that the vaccinations her daughter received caused her alleged injuries. Further, 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." 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 of the Court is directed to enter judgment accordingly.

IT IS SO ORDERED.²

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

² 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. Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.