

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

No. 10-873V
Filed: August 3, 2011
Unpublished

CHRISTINE WILLIQUETTE, parent and legal *
representative of the estate of JOSEPHINE *
WILLIQUETTE, deceased, *

Petitioner, *

Denial; Influenza vaccine, flu; Death

v. *

SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *

Respondent. *

Jerome A. Hierseman, End, Hierseman & Crain, LLC, Milwaukee, WI, for Petitioner.
Lisa A. Watts, U.S. Department of Justice, Washington, D.C., for Respondent.

DECISION¹

GOLKIEWICZ, Special Master.

On December 20, 2011, a Petition in this matter was filed alleging that petitioners' daughter died as a result of the influenza vaccine her daughter received on November 6, 2008. Petition at 1. The Petition was not accompanied by medical records or affidavits. An initial status conference was held on February 2, 2011. Petitioner was directed to file a status report by March 4, 2011, reporting petitioner's intention in this matter. On March 4, 2011, petitioner contacted the undersigned's office for an extension on this time and was granted until March 21, 2011, to file her status report. Order, filed March 7, 2011. On March 21, 2011, petitioner filed a status report stating her intention to request a decision dismissing her case. On August 1, 2011, petitioner filed her unopposed Motion for a Decision Dismissing Her Petition. The Motion states that petitioner will be unable to prove entitlement under the Act.

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 trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and 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.

Petitioner has not filed medical records or a medical opinion in this matter. 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** petitioners’ claim for want of proof.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

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.