

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 03-2756V

Filed: September 13, 2007

NOT TO BE PUBLISHED

NATALIE EVANS, as Parent and Personal *
Representative of the Estate of LUKE *
ALEXANDER EVANS, deceased, *

Petitioner, *

Decision on the Record

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

DECISION*

During a status conference held on September 7, 2007, petitioner’s counsel represented that the medical records alone do not support the case and petitioner will not be providing an expert witness. 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.” A review of this record shows, and the undersigned so finds, that the medical records do not substantiate petitioner’s claim and petitioner did not provide a supportive expert opinion.

Accordingly, petitioner has failed to establish a prima facie case. Thus, the court must dismiss this case for want of proof. The Clerk shall enter judgment accordingly.

IT IS SO ORDERED.

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

* The undersigned intends to post this decision on the United States Court of Federal Claims’s website, 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.