

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 10-282V

Filed: August 20, 2010

Not to be Published

LIAM MICHAEL KINART, by and through
his parent and guardian, CHAD MICHAEL
KINART,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

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Decision dismissing; Hepatitis A;
Measles-mumps-rubella vaccine,
MMR; Pneumococcal vaccine, PCV;
Speech and behavioral delays

DECISION¹

GOLKIEWICZ, Special Master.

The Petition in this matter was filed on May 10, 2010. Petitioner sought compensation for injuries alleged to have occurred as a result of three vaccinations petitioner's son received on July 24, 2006. Petitioner alleged his son suffered speech and developmental delays as a result of three vaccinations: the hepatitis A, Measles-mumps-rubella, and the pneumococcal vaccines. The initial status conference was held on June 28, 2010, wherein the substance of petitioner's case was discussed. Petitioner was then directed to file a status report stating whether he wished to continue pursuing his claim and briefly discussing the supportive evidence petitioner intended to submit if petitioner wished to continue the claim. Order, June 29, 2010.

On July 30, 2010, petitioner filed a letter stating he intended to continue his claim. Notice of Intent, July 30, 2010. Thereafter, on August 6, 2010, petitioner was ordered to file a status report briefly discussing the supportive evidence petitioner intended to submit. Order, August 6, 2010. On August 10, 2010, petitioner informally contacted the undersigned's office explaining that the July 30, 2010, letter contained an error and that he in fact did not wish to

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.

continue his claim. On August 16, 2010, petitioner filed a letter confirming this, which stated, “we will not be pursuing our claim against the Department of Health and Human Services (10-282V).” Letter, August 16, 2010.

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.” In reviewing this case, the undersigned finds that the medical records do not support petitioner's claim for compensation. Thus, the Petition remains unsupported by either medical records or medical opinion. In accordance with 42 U.S.C. § 300aa-13(a), the undersigned has no option but to **deny** petitioner’s 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.