



On March 7, 2013, petitioners filed a response to my order to show cause in this case and indicated they withdraw their claim filed on behalf of Zachary and agree to the dismissal of the claim.

To receive compensation under the Program, petitioners must prove either 1) that Zachary suffered a "Table Injury" – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of Zachary's vaccinations, or 2) that Zachary suffered an injury that was actually caused by a vaccine. See §§ 13(a)(1)(A) and 11(c)(1). Examination of the record does not disclose any evidence that Zachary suffered a "Table Injury." Further, the record does not contain a medical expert's opinion or any other persuasive evidence indicating that Zachary's alleged injury was vaccine-caused.

Under the Vaccine Act, a petitioner may not be awarded compensation based on the petitioner's claims alone. Rather, the petition must be supported by either the medical records or by a medical opinion. § 13 (a)(1). In this case, the record does not contain medical records or a medical opinion sufficient to demonstrate that the vaccinee was injured by a vaccine. For these reasons, in accordance with § 12(d)(3)(A), the **petitioners' claim for compensation is denied and this case is dismissed for insufficient proof. The Clerk shall enter judgment accordingly.** <sup>3</sup>

**IT IS SO ORDERED.**

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George L. Hastings, Jr.  
Special Master

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<sup>3</sup> This document constitutes my final "Decision" in this case, pursuant to § 12(d)(3)(A). If petitioner wishes to have this case reviewed by a Judge of the United States Court of Federal Claims, a motion for review of this decision must be filed within 30 days. After 30 days the Clerk of this Court shall enter judgment in accord with this decision. If petitioner wishes to preserve whatever right petitioner may have to file a civil suit (that is a law suit in another court) petitioner must file an "election to reject judgment in this case and file a civil action" within 90 days of the filing of the judgment. § 21(a).