

On August 11, 2011, petitioners filed a “Motion for a Judgment on the Record.” Petitioners assert in the Motion that under the current applicable law, petitioners will be unable to demonstrate entitlement to compensation in the Program. Petitioners’ Motion at 1. Accordingly, petitioners request that the undersigned dismiss the above-captioned petition. Id. at 3.

To receive compensation under the Program, petitioners must prove either 1) that Gennaro suffered a “Table Injury” – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of his vaccinations, or 2) that Gennaro suffered an injury that was actually caused by a vaccine. See §§ 300aa-13(a)(1)(A) and 300aa-11(c)(1). An examination of the record did not uncover any evidence that Gennaro suffered a “Table Injury.” Further, the record does not contain a medical expert’s opinion or any other persuasive evidence indicating that Gennaro’s injury was vaccine-caused.

Under the Act, the petitioners may not be given a Program award based solely on the petitioners’ claims alone. Rather, the petition must be supported by either medical records or by the opinion of a competent physician. § 300aa-13(a)(1). In this case, because the medical records are not sufficient to support petitioners’ claim, a medical opinion must be offered in support. Petitioners, however, have offered no such opinion.

Accordingly, it is clear from the record in this case that petitioners have failed to demonstrate either that Gennaro suffered a “Table Injury” or that his injury was “actually caused” by a vaccination. **Thus, this case is dismissed for insufficient proof. In the absence of a timely-filed motion for review of this Decision, the Clerk shall enter judgment accordingly.**

IT IS SO ORDERED.

/s/ George L. Hastings, Jr.
George L. Hastings, Jr.
Special Master