

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 09-402V

Filed: September 7, 2011

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ANGELICA DRIGGS	)	UNPUBLISHED
	)	
Petitioner,	)	
	)	
v.	)	Motion for Decision on the Record;
	)	HPV
	)	
SECRETARY OF	)	
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	
_____	)	

Franklin J. Caldwell, Jr., Sarasota, FL, for Petitioner.

Debra A. Filteau Begley, United States Dep't of Justice, Washington, D.C., for Respondent.

### **DECISION**<sup>1</sup>

**LORD**, Special Master.

On June 19, 2009, Angelica Driggs ("Petitioner") filed a petition pursuant to the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 et seq. (2006) ("Vaccine Act"). Petitioner alleged that the Human Papillomavirus ("HPV") vaccines administered to her on September 13, 2006, November 13, 2006, and March 3, 2007, caused her to suffer from thrombocytopenia, anemia, hepatitis, hypothyroidism, and amenorrhea. Petition at p.1.

On September 1, 2011, Petitioner filed a motion for final decision on the record. Petitioner's motion stated that she would not be filing an expert report to support her claim and therefore moved for a final decision on the record. Pet'r Mot. at 1.

To receive compensation under the Vaccine Act, Petitioner must prove either 1) that she suffered a "Table Injury" – i.e., an injury falling within the Vaccine Injury Table ("Table") – corresponding to her vaccinations, or 2) that she suffered an injury that was actually caused by a vaccine. See §§ 300aa-13(a)(1)(A) and 300aa-11(c)(1). While the HPV vaccine is covered by the Vaccine Act, the Table does not specify what injuries are covered or a time period within which the onset of such injuries must occur with respect to this vaccine. Thus, Petitioner was required to proceed on a theory of causation-in-fact. An examination of the record has revealed

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<sup>1</sup> As provided by Vaccine Rule 18(b), each party has 14 days within which to request the redaction "of any information furnished by that party (1) that is trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Rules of the United States Court of Federal Claims (RCFC), Appendix B, Vaccine Rule 18(b). In the absence of a timely objection, the entire document will be made publicly available.

an absence of expert medical opinion or other persuasive evidence supporting Petitioner's claim that her injuries were caused by the HPV vaccine.

Under the Vaccine Act, a petitioner may not be awarded compensation based solely on the petitioner's 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 insufficient to establish entitlement to compensation, a medical opinion must be offered in support of Petitioner's claims. Petitioner, however, has declined to offer such an opinion.

Therefore, the only alternative remains to **DENY** this petition. **Thus, this case is dismissed for insufficient proof. In the absence of a motion for review, the Clerk is directed to enter judgment accordingly.**

**IT IS SO ORDERED.**

/s/ Dee Lord  
Dee Lord  
Special Master