

containing vaccines can cause death in infant vaccinees and that they failed to prove thimerosal-containing vaccines caused Thomas Kolakowski's death. The decision was not appealed.

On September 27, 2011, Petitioner was ordered to file an amended petition identifying an alternative theory of causation in light of Kolakowski. On November 21, 2011, Petitioner moved for a decision dismissing his petition, acknowledging that insufficient evidence exists to demonstrate entitlement to compensation under the Act.

To receive compensation under the Program, Petitioner must prove either that 1) Abigail suffered a "Table Injury" – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of her vaccinations, or 2) Abigail suffered an injury that was actually caused by a vaccine. See §§ 13(a)(1)(A)-(B) and 11(c)(1). Under the Vaccine Act, a special master cannot find that a petitioner has proven his case based upon "the claims of a petitioner alone, unsubstantiated by medical records or by medical opinion." § 13(a). An examination of the record did not uncover any evidence that Abigail suffered a "Table Injury." Further, the record does not contain a medical expert's opinion or any other persuasive evidence indicating that her alleged injury was vaccine-caused. See Kolakowski.

Accordingly, it is clear from the record in this case that Petitioner has failed to demonstrate either that Abigail suffered a "Table Injury" or that her injuries were "actually caused" by a vaccination. **Thus, this case is dismissed for insufficient proof. The Clerk shall enter judgment accordingly.**

IT IS SO ORDERED.

s/Dee Lord
Dee Lord
Special Master