

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

**OFFICE OF SPECIAL MASTERS**

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STEPHANIE ROBERSON, \*  
As Parent and Legal Representative of \*  
BAILEY ROBERSON, \*

No. 09-682V  
Special Master Christian J. Moran

Petitioner, \*  
\*

v. \*

Filed: May 6, 2011

SECRETARY OF HEALTH \*  
AND HUMAN SERVICES, \*

Insufficient proof; dismissal.

Respondent. \*

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**UNPUBLISHED DECISION DENYING COMPENSATION<sup>1</sup>**

Stephanie Roberson, as parent and legal representative for her daughter, Bailey Roberson (“Bailey”), filed a petition for Vaccine Compensation on October 9, 2009, along with her initial medical records, as required by 42 U.S.C. § 300aa-11(c) and Vaccine Rule 2(c)(2)(A).

Respondent then filed her report pursuant to Vaccine Rule 4, determining that petitioner has not presented preponderant evidence in support of her petition for compensation. Resp’t Rep’t at 9.

On May 2, 2011, Ms. Roberson filed a notice to withdraw her petition. In support of her motion, Ms. Roberson states that an investigation of the facts and science supporting her case has demonstrated to her that she will be unable to prove that she is entitled to compensation in the Vaccine Program. Pet’r Mot. at 1.

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<sup>1</sup> Because this unpublished decision contains a reasoned explanation for the special master’s action in this case, the special master intends to post it on the United States Court of Federal Claims’s website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to delete such information before the document’s disclosure. If the special master, upon review, agrees that the identified material fits within the categories listed above, the special master shall delete such material from public access. 42 U.S.C. § 300aa–12(d)(4); Vaccine Rule 18(b).

To receive compensation under the Program, petitioner must prove either 1) that Bailey suffered a “Table Injury” – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of 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). Under the Vaccine Act, a special master cannot find a petitioner has proven her case by a preponderance of the evidence based upon “the claims of a petitioner alone, unsubstantiated by medical records or by medical opinion.” 42 U.S.C. §300aa-13(a) (2006). Ms. Roberson sought to establish both that Bailey suffered an injury listed on the Vaccine Injury Table and that a vaccine caused Bailey’s condition. An examination of the record did not uncover any evidence that Bailey’s condition was vaccine-related or that Bailey’s condition satisfied the requirements for a Table injury.

Accordingly, the undersigned dismisses petitioner’s claim for failure to prosecute and for insufficient proof. The Clerk shall enter judgment accordingly.

Any questions may be directed to my law clerk, Jennifer C. Chapman, at (202) 357-6358.

IT IS SO ORDERED.

S/ Christian J. Moran

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Christian J. Moran  
Special Master