

medical records. I directed Ms. Habchy to file any medical records on a rolling basis and not wait until the receipt of all the records. Following the status conference, I ordered petitioner to file Rabih's medical records by September 7, 2012. Order, issued July 9, 2012.

On September 10, 2012, petitioner moved for an extension of time to file Rabih's medical record. On September 13, 2012, I granted petitioner an extension of time until November 12, 2012, to file the records, reminding her to file Rabih's records on a rolling basis. Petitioner failed to comply with my order.

On December 14, 2012, I issued an order to show cause. I directed petitioner to comply with my September 13, 2012 order, or show cause for why this case should not be dismissed for failure to prosecute, by no later than January 15, 2013. To date, petitioner has failed to comply with my order or file anything with the court.

I. Failure to Prosecute.

It is petitioner's duty to respond to court orders. As I reminded petitioner in my December 14, 2012 order, failure to follow court orders, as well as failure to file medical records or an expert medical opinion, shall result in dismissal of petitioner's claim. *Tsekouras v. Sec'y, HHS*, 26 Cl. Ct. 439 (1992), *aff'd per curiam*, 991 F.2d 810 (Fed. Cir. 1993); *Sapharas v. Sec'y, HHS*, 35 Fed. Cl. 503 (1996); Vaccine Rule 21(b).

II. Causation in Fact.

To receive compensation under the Program, petitioner must prove either 1) that Rabih suffered a "Table Injury" – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of his vaccinations, or 2) that Rabih suffered an injury that was actually caused by a vaccine. See §§13(a)(1)(A) and 11(c)(1). Under the Vaccine Act, a special master cannot find that petitioner has proven his case by a preponderance of the evidence based upon "the claims of petitioners alone, unsubstantiated by medical records or by medical opinion." § 13(a).

Petitioner has failed to file any medical records or other evidence in this case. Thus, an examination of the record did not uncover any evidence that Rabih suffered a "Table Injury." Further, the record does not contain a medical opinion or any other persuasive evidence indicating that Rabih's autism spectrum disorder was vaccine-caused.

Accordingly, it is clear from the record in this case that petitioner has failed to demonstrate either that Rabih suffered a "Table Injury" or that Rabih's injuries were "actually caused" by a vaccination.

This case is dismissed for insufficient proof and for failure to prosecute.

The clerk shall enter judgment accordingly.

IT IS SO ORDERED.

Denise K. Vowell
Special Master