

W. Ordille was injured by a vaccine or vaccines listed on the Vaccine Injury Table. See § 14. The information in the record does not show entitlement to an award under the Program.

On May 18, 2011, the petitioners moved for a decision on the merits of the petition, acknowledging that insufficient evidence exists to demonstrate entitlement to compensation.

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

Under the Vaccine Act, a petitioner may not be awarded compensation based on the petitioner’s claims alone. Rather, the petition must be supported by either the medical records or by a medical opinion. § 13(a)(1). In this case, the record does not contain medical records or a medical opinion sufficient to demonstrate that the vaccinee was injured by a vaccine. For these reasons, in accordance with § 12(d)(3)(A), the **petitioners’ claim for compensation is denied and this case is dismissed for insufficient proof.**

The petitioners have also filed an unopposed motion for an award of attorneys’ fees and costs in this case. Petitioners may receive reasonable attorneys’ fees and costs pursuant to § 15(b) and (e)(1). Respondent has reviewed the motion and does not object. Accordingly, the petitioners are awarded attorneys’ fees and costs in the amount of \$6,087.13 as follows:

- **a lump sum of \$5,500.00 in the form of a check payable jointly to petitioners, and petitioners’ counsel of record, Thomas P. Gallagher, Esquire, for petitioners’ attorney fees and costs, and**
- **a lump sum of \$587.13 in the form of a check payable to petitioners, John Ordille and Cindy Needham, for their litigation costs.**

The petition is dismissed for insufficient proof. Petitioners are awarded reasonable attorneys’ fees and costs pursuant to § 15(b) and (e)(1), as I find that the petition was brought in good faith and upon a reasonable basis, and the amounts requested are reasonable and appropriate.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.³

IT IS SO ORDERED.

s/Denise K. Vowell
Denise K. Vowell
Special Master

³ Entry of judgment can be expedited by each party's filing of a notice renouncing the right to seek review. See Vaccine Rule 11(a).