

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 99-681V

Filed: December 8, 2008

Not To Be Published

RONALD CHRISTOPHER EDMUNDS, *
a minor, by his father and natural guardian, *
RONALD WARREN EDWARDS, *

Petitioner(s), *

v. *

SECRETARY OF HEALTH AND *
HUMAN SERVICES *

Respondent. *

Petitioner's Motion for Judgement on the
Record; Insufficient Proof
of Causation; Vaccine Act Entitlement
Denial Without Hearing

DECISION¹

On August 6, 1999 petitioner filed a Petition in the National Vaccine Injury Compensation Program ("the Program").² The petition alleges that various vaccinations injured petitioner's son, Ronald. The information in the record, however, does not show entitlement to an award under the Program.

On December 8, 2008, petitioner filed a Motion for a Judgment on the record. Petitioner

¹Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this decision 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). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

²The National Vaccine Injury Compensation Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C.A. §§ 300aa-10 et seq. (West 1991 & Supp. 2002) ("Vaccine Act" or the "Act"). Hereinafter, individual section references will be to 42 U.S.C.A. § 300aa of the Vaccine Act.

asserts he “does not feel he can prove causation, as he cannot find an expert to support causation in his case.” Petitioner’s Motion for Judgment on the Record at 1. Accordingly, petitioner moves the Court for a Judgment on the record as it stands. Id.

To receive compensation under the Program, petitioner must prove either 1) that Ronald suffered a “Table Injury” – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of his vaccinations, or 2) that Ronald suffered an injury that was actually caused by a vaccine. See 42 U.S.C. §§ 300aa-13(a)(1)(A) and 300aa-11(c)(1). The undersigned’s examination of the record did not uncover any evidence that Ronald suffered a “Table Injury.” Further, the record does not contain a medical expert’s opinion or any other persuasive evidence indicating that Ronald’s alleged injury was vaccine-caused.

Under the Act, a petitioner may not be given a Program award 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 no medical records support petitioner’s claim, a medical opinion must be offered in support. Petitioner, however, has offered no such opinion.

Accordingly, it is clear from the record in this case that petitioner has failed to demonstrate either that Ronald suffered a “Table Injury” or that his injuries were “actually caused” by a vaccination. **Thus, the court must dismiss this case for insufficient proof. The Clerk shall enter judgment accordingly.**

IT IS SO ORDERED.

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