

IN THE UNITED STATES COURT OF FEDERAL CLAIMS  
OFFICE OF THE SPECIAL MASTERS

No. 03-88V

Filed: October 18, 2010

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JEFFREY GREIB and KATHY GREIB, \*  
parents of TRAVIS MARKEL GREIB, a minor, \*

Petitioners, \*

v. \*

SECRETARY OF THE DEPARTMENT OF \*  
HEALTH AND HUMAN SERVICES, \*

Respondent. \*

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Petitioners' Request for  
Dismissal; Insufficient  
Proof of Causation;  
Vaccine Act Entitlement

**DECISION<sup>1</sup>**

On January 15, 2003, petitioners filed a Short-Form Autism Petition For Vaccine Compensation in the National Vaccine Injury Compensation Program [“the Program”].<sup>2</sup> In effect, by use of the special “Short-Form” developed for use in the context of the Omnibus Autism Proceeding, the petition alleges that various vaccinations injured Travis Markel Greib [“Travis”]. On October 12, 2010, petitioners filed a request that their case be dismissed. In light of this request, and because the information in the record does not show entitlement to an award under the Program, this case is dismissed.

**I. The Medical Records**

Travis was born on April 20, 1995. He received routine childhood vaccinations through at least December, 2007. Petitioners' Exhibit [“Pet. Ex.”] 11, p. 2. A treating neurologist determined Travis exhibited “some features of the autistic spectrum disorders” in a March 17, 2000, exam. Pet. Ex. 13, p. 34.

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<sup>1</sup>Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). In accordance with Vaccine Rule 18(b), petitioners have 14 days to identify and move to delete medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will delete such material from public access.

<sup>2</sup>National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

## II. Causation in Fact

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

A petitioner may not receive 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 there are insufficient medical records supporting petitioners’ claim, a reliable medical opinion must be offered in support. Petitioners, however, have offered no such opinion.

Accordingly, it is clear from the record in this case that petitioners have failed to demonstrate either that Travis suffered a “Table Injury” or that his 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.**

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Denise K. Vowell  
Special Master