

On March 14, 2008, I ordered petitioner to file all medical records from the period of John's birth through either, whichever date is later, (1) the date of petition filing or (2) the date of John's initial diagnosis of autism, autism spectrum disorder, a speech or language delay related to an autism diagnosis, or a similar neurological disorder related to an autism diagnosis. Petitioner filed medical records and a Statement of Completion on June 12 and 16, 2008. Respondent filed a Statement Regarding Jurisdiction and Appropriateness of Proceeding within the Court's Omnibus Autism Proceeding ["Respondent's Statement"] on July 24, 2008. Respondent argues this matter should not proceed in the Omnibus Autism Proceeding as "the record does not support a finding that this case involves an autism spectrum disorder." Respondent's Statement at 4.

On April 8, 2010, I ordered petitioner to file any outstanding medical records related to an autism spectrum diagnosis, the records noted in note 1 of Respondent's Statement, and the original diagnosis itself. Alternatively, if John had not been diagnosed with an ASD, petitioner was ordered to inform the court of that in a status report. On May 26, 2010, petitioner filed a status report informing the court that John "does not have a formal autism spectrum disorder diagnosis," and petitioner requested that I "make...findings on the record as it has been established."

To receive compensation under the Program, petitioner must prove either 1) that John suffered a "Table Injury" – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of his vaccinations, or 2) that John 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 John suffered a "Table Injury." Further, the record does not contain a medical expert's opinion or any other persuasive evidence indicating that John'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 the medical records are insufficient to 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 John 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.

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