

OFFICE OF SPECIAL MASTERS

No. 99-694V

Filed: July 7, 2006

NOT TO BE PUBLISHED

DANIEL MELBOURNE,

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Petitioner,

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42 USC § 300aa-13(a)

v.

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SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

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Respondent.

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Clifford J. Shoemaker, Vienna, VA, for petitioner.

Vincent J. Matanoski, United States Department of Justice, Washington, DC, for respondent.

DECISION¹

GOLKIEWICZ, Chief Special Master.

On June 22, 2006, petitioner filed a “Motion for Judgment on the Record.” Petitioner states that he “does not feel that he can prove causation, as he cannot find an expert to support causation in his case.” Subsequently, on July 5, 2006, respondent submitted a “Response to Petitioner’s Motion for Judgment on the Record ” [hereinafter “Res.”]. Respondent asserts that “[w]hile respondent does not object to petitioner’s Motion for Judgment on the Record as it

¹Because this decision contains a reasoned explanation for the special master’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). Therefore, as provided by Vaccine Rule 18(b), each party has fourteen (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.

stands, respondent maintains that petitioner has failed to establish entitlement to compensation based on that record.” Res. at 2.

The undersigned has reviewed the record and finds that petitioner has failed to establish a *prima facie* case for compensation. 42 USC § 300aa-13(a)(1) provides that a special master “may not make such a finding based on the claims of a petitioner alone, unsubstantiated by medical records or by medical opinion.” Petitioner has not presented a medical opinion and the medical records do not establish that the hepatitis B vaccine caused his injuries. Accordingly, the undersigned must dismiss this case for want of proof. The Clerk shall enter judgment accordingly.

IT IS SO ORDERED.

s/ Gary J. Golkiewicz
Gary J. Golkiewicz
Chief Special Master