

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 03-1712V

Filed: July 23, 2010

CATHERINE HICKMAN, parent of
Scott Hickman, a minor,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES

Respondent.

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Petitioners’ Motion for a Decision
Dismissing the Petition; Insufficient Proof
of Causation; Vaccine Act Entitlement;
Denial Without Hearing

DECISION

On July 15, 2003, petitioner filed a “Short-Form Autism Petition For Vaccine Compensation” in the National Vaccine Injury Compensation Program (“the Program”).¹ 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 Scott. The information in the record, however, does not show entitlement to an award under the Program.

On July 20, 2010, petitioner filed a “Motion for a Decision Dismissing His Petition.” Petitioner asserts in the Motion that under the current applicable law, petitioner will be unable to demonstrate entitlement to compensation in the Program. Petitioner’s Motion at 1. Accordingly, petitioner requests that the undersigned dismiss the above-captioned petition. Id.

To receive compensation under the Program, petitioner must prove either 1) that Scott suffered a “Table Injury” – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of his vaccinations, or 2) that Scott 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 Scott suffered a “Table Injury.” Further, the record does not contain a

¹The 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. §§ 300aa-10 *et seq.* (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

