

corresponding to one of her vaccinations, or 2) that Kaila 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 Kaila suffered a “Table Injury.” Further, the record does not contain a medical expert’s opinion or any other persuasive evidence indicating that Kaila’s alleged injury was vaccine-caused.

Under the Act, petitioners may not be given a Program award based solely on the petitioners’ 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, the record does not contain medical records or a medical opinion sufficient to demonstrate that the vaccinee was injured by a vaccine. **For these reasons, in accordance with § 300aa-12(d)(3)(A), petitioner’s claim for compensation is denied and this case is dismissed for insufficient proof. The Clerk shall enter judgment accordingly.**³

IT IS SO ORDERED.

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

³ If petitioner elects to file a Petition for Fees and Costs pursuant to § 300aa-15(e), based on current law petitioner will need to first establish proof of vaccination and the timely filing of the Petition for Vaccine Compensation, see § 300aa-16(a)(2) and 16(b), prior to any award for attorneys’ fees and costs being granted. See *Brice v. Secretary of Health and Human Services*, 358 F.3d 865, 869 (Fed. Cir. 2004), citing *Martin v. Secretary of Health and Human Services*, 62 F.3d 1403, 1406 (Fed. Cir. 1995).