

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

DOMENICK VEGLIA, a minor,
by his parents and natural guardians
DEBRA VEGLIA and ROB VEGLIA,

Petitioners,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 02-397V
Special Master Christian J. Moran

Filed: March 13, 2009

Entitlement, hepatitis B,
meningoencephalitis,
developmental delay

David L. Terzian, Esq., Rawls & McNelis, P.C., Richmond, Virginia, for Petitioner;
Althea Walker Davis, Esq., United States Dep't of Justice, Washington, D.C., for Respondent.

UNPUBLISHED DECISION¹

Debra and Rob Veglia claim that the hepatitis B vaccination, received by their son, Domenick, caused Domenick to develop a seizure disorder, and subsequent developmental delays. Pursuant to the National Childhood Vaccine Injury Act, 42 U.S.C. §§ 300aa-1 et seq., the

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of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).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, the person submitting the information has 14 days to identify and to move to delete such information before the document's disclosure. If the special master agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access. 42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b).

Veglias filed a petition seeking compensation for Domenick's injuries. A preponderance of the evidence establishes that the Veglias are not entitled to compensation on this theory. The Veglias have failed to show that Domenick responded to the vaccine in the way predicted by their expert.

On February 10, 2009, the court issued an Unpublished Ruling Denying One Portion of Petitioners' Claim. That ruling established that the Veglias are not entitled to compensation based upon the information presented in the record. The ruling also gave the Veglias the option of filing a motion to transfer the case to the omnibus autism proceeding by March 13, 2009.

On February 27, 2009, petitioners filed a Post Ruling Status Report. In the status report, petitioners state that "a thorough review of Domenick's medical records fails to reveal that Domenick suffers from 'autism spectrum disorder.' Accordingly, petitioners will not be filing the motion that the special master has permitted petitioners to file if they wish to do so." Pet'r Feb. 27, 2009 Post Ruling Status Rep't at 3 (emphasis in original). Furthermore, petitioners waived any right they may have to transfer the subject case to the Omnibus Autism Proceeding and requested that the undersigned enter a decision based on the February 10, 2009 ruling.

THEREFORE, this decision adopts the reasoning in the February 10, 2009 ruling and denies compensation to the Veglias. In the absence of a motion for review filed pursuant to Vaccine Rule 23, the clerk is directed to enter judgment in case 02-397V according to this decision.

IT IS SO ORDERED.

S/ Christian J. Moran
Christian J. Moran
Special Master