



To receive compensation under the Program, the petitioner must prove either: 1) that Jackson suffered a “Table Injury”--*i.e.*, an injury falling within the Vaccine Injury Table-- corresponding to one of his vaccinations, or 2) that Jackson suffered an injury that was actually caused by a vaccine. *See* 42 U.S.C. §§ 300aa-13(a)(1)(A) and 300aa-11(c)(1). My examination of the filed medical records, however, did not uncover any evidence that Jackson suffered a “Table Injury.” Further, the records do not contain a medical expert’s opinion or any other evidence indicating that Jackson’s autism was vaccine-caused.

Under the statute, 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. 42 U.S.C. § 300aa-13(a)(1). Here, because the medical records do not seem to support the petitioners’ claim, a medical opinion must be offered in support. Petitioners, however, have offered no such opinion.

In a motion filed November 14, 2005, petitioners requested that I rule upon the record as it now stands. Their counsel repeated that request during an unrecorded telephonic status conference held on November 21, 2005. Accordingly, I will now rule upon the record.

I am, of course, sympathetic to the fact that Jackson suffers from a very unfortunate medical condition. However, under the law I can authorize compensation only if a medical condition or injury either falls within one of the “Table Injury” categories, or is shown by medical records or competent medical opinion to be vaccine-caused. No such proof exists in the record before me. Accordingly, it is clear from the record in this case that the petitioners have failed to demonstrate either that Jackson suffered a “Table Injury” or that his autism was “actually caused” by a vaccination. Therefore, I have no choice but to hereby DENY this claim. In the absence of a timely-filed motion for review of this decision (see Appendix B to the Rules of the Court), the Clerk shall enter judgment in accord with this decision.

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George L. Hastings, Jr.  
Special Master