

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

No. 09-854V
Filed: July 14, 2010

Not to be Published

AMANDA FERRIS, as the legal
representative of her minor son,
LANDEN FERRIS,

Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

*
*
*
* Denial of compensation; Motion for
* Decision on the Record; Influenza
* vaccination; Acute disseminated
* encephalomyelitis, ADEM; Lack of
* supporting medical records or expert
* opinion
*
*
*
*
*

DECISION¹

The Petition in this matter was filed on December 11, 2009. Petitioner sought compensation for injuries alleged to have occurred as a result of the influenza vaccination petitioner’s son received on December 15, 2006. Petitioner alleged the vaccination caused her son to suffer acute disseminated encephalomyelitis (“ADEM”) as a result of the vaccination, with profound and permanent physical and mental disabilities as sequelae of the ADEM. Pet. at 1. An impromptu telephone conference was conducted on January 5, 2010, in which the parties agreed to a schedule for petitioner’s filing of medical records; also, the Rule 4(c) Report filing deadline was amended. See Order, filed January 6, 2010. On April 2, 2010, petitioner requested additional time to file records. P Status Report, filed April 2, 2010. On June 3, 2010, petitioner filed a Motion for Decision on the Record. P Motion, filed June 3, 2010.

In the June 3, 2010, Motion for Decision on the Record, petitioner states she “has assembled a copy of her [son’s] medical records, and they do not support the proposition that his

¹ The undersigned intends to post this decision on the website for the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 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.

December 15, 2006 influenza vaccination contributed to his current neurological disorder.” P Motion for Decision on the Record, filed June 3, 2010. Subsequently, petitioner filed Exhibits 1 and 2, medical records establishing the court’s jurisdiction in this matter. P Ex 1, Excerpts from Pediatric Records of James McCarthy, M.D., filed June 17, 2010; P Ex 2, Excerpts from Record of Initial Hospitalization at Helen DeVos Children’s Hospital, filed June 17, 2010. On July 12, 2010, respondent communicated to the undersigned’s office that no objection would be raised to petitioner’s Motion for Decision on the Record.

The Act at 42 U.S.C. § 300aa-13(a) provides that the special master “may not make a finding based on the claims of a petitioner alone, unsubstantiated by medical records or by medical opinion.” In this case, it is not contested that the medical records do not support petitioner’s claim for compensation. Thus, the Petition remains unsupported by either medical records or medical opinion. In accordance with section 13(a) the undersigned has no option but to **deny** petitioner’s claim for want of proof.

The Clerk shall enter judgment accordingly.²

IT IS SO ORDERED.

Gary J. Golkiewicz
Special Master

² This document constitutes a final “decision” in this case pursuant to 42 U.S.C. § 300aa-12(d)(3)(A). Unless a motion for review of this decision is filed within 30 days, the Clerk of the Court shall enter judgment in accord with this decision.