

To receive compensation under the Program, petitioners must prove either 1) that Zachary suffered a “Table Injury” – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of his vaccinations, or 2) that Zachary suffered an injury that was actually caused by a vaccine. See §§ 13(a)(1)(A) and 11(c)(1). An examination of the record did not uncover any evidence that Zachary suffered a “Table Injury.” Further, the record does not contain a medical expert’s opinion or any other persuasive evidence indicating that Zachary’s injury was vaccine-caused.

Under the Act, the 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. § 13(a)(1). In this case, the record does not contain medical records or a medical opinion sufficient to demonstrate that Zachary was injured by a vaccine. For these reasons, in accordance with § 12(d)(3)(A), **the petitioners’ claim for compensation is denied and this case is dismissed for insufficient proof.**

The petitioners have also filed an unopposed motion for an award of attorney’s fees and costs pursuant to §§ 15(b) and (e)(1). Respondent has reviewed the motion and does not object. Petitioners seek a total award of \$2,740.47, representing \$2,282.59 for attorney’s fees, and \$457.88 for petitioners’ litigation costs.

The request for attorney’s fees and costs is granted. Petitioners are awarded reasonable attorney’s fees and costs pursuant to §§ 15(b) and (e)(1), as I find that the petition was brought in good faith and upon reasonable basis, and the amounts requested are reasonable and appropriate. Accordingly, **I award³ the following amounts:**

- A lump sum of \$2,282.59 in the form of a check payable jointly to petitioners and petitioners’ attorney, Eric J. Konecke.
- A lump sum of \$457.88, in the form of a check payable to petitioners.

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.⁴

IT IS SO ORDERED.

/s/ George L. Hastings, Jr.
George L. Hastings, Jr.
Special Master

³ These amounts are intended to cover all legal expenses incurred in this matter. This award encompasses all charges by the attorney against a client, “advanced costs” as well as fees for legal services rendered. Furthermore, §15(e)(3) prevents an attorney from charging or collecting fees (including costs) that would be in addition to the amount awarded herein. *See generally Beck v. Sec’y of Dep’t Health and Human Services*, 924 F.2d 1029 (Fed.Cir. 1991).

⁴ Entry of judgment can be expedited by each party’s filing of notice renouncing the right to seek review. See Vaccine Rule 11(a).