

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 10-699V

Filed: April 26, 2011

MIRANDA E. OMON, by and through	)	
Her natural father and next friend,	)	
EDEM A. OMON,	)	UNPUBLISHED
	)	
Petitioner,	)	
	)	
v.	)	Motion for Dismissal Decision;
	)	Gardasil; HPV
	)	
SECRETARY OF	)	
HEALTH AND HUMAN SERVICES,	)	
	)	
Respondent.	)	

William P. Ronan, III, Overland Park, KS, for Petitioner.

Chrysovalantis P. Kefalas, United States Dep't of Justice, Washington, D.C., for Respondent.

### **DECISION**<sup>1</sup>

**LORD**, Special Master.

On October 15, 2010, Edem Omon ("Petitioner") filed a petition pursuant to the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 et seq. (2006) ("Vaccine Act"). Petitioner alleged that the Gardasil vaccinations, which his minor daughter, Miranda, received on July 19, 2007, and October 17, 2007, caused her to suffer from cardiac arrhythmia, and injuries to her brain, heart, and nervous system. Petition ¶22. Petitioner also alleged that Miranda suffers from residual complications that are sequela of the above-listed conditions.

On April 4, 2011, Petitioner filed a motion for a decision dismissing his petition. Petitioner stated in his motion that he would not file an expert report to support his claim. Pet'r Mot. at 1. Accordingly, Petitioner requested that the undersigned dismiss the above-captioned petition. Id.

To receive compensation under the Vaccine Act, Petitioner must prove either 1) that Miranda suffered a "Table Injury" – i.e., an injury falling within the Vaccine Injury Table – corresponding to one of his vaccinations, or 2) that Miranda 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

<sup>1</sup> As provided by Vaccine Rule 18(b), each party has 14 days within which to request the redaction "of any information furnished by that party (1) that is trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Rules of the United States Court of Federal Claims (RCFC), Appendix B, Vaccine Rule 18(b). In the absence of a timely objection, the entire document will be made publicly available.

record did not uncover any evidence that Miranda suffered a “Table Injury.” Furthermore, the record does not contain a medical expert’s opinion or any other persuasive evidence indicating that Miranda’s injury was caused by a vaccination.

Under the Vaccine Act, a petitioner may not be awarded compensation 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. § 300aa-13(a)(1). In this case, because the medical records are insufficient to establish entitlement to compensation, a medical opinion must be offered in support of Petitioner’s claims. Petitioner, however, has declined to offer such an opinion.

Therefore, the only alternative remains to **DENY** this petition. **Thus, this case is dismissed for insufficient proof. In the absence of a motion for review, the Clerk is directed to enter judgment accordingly.**

**IT IS SO ORDERED.**

s/ Dee Lord  
Dee Lord  
Special Master