

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

No. 06-281V

Filed: July 15, 2013

CATHERINE M. JAMESON and
STEVEN S. JAMESON, parents of
Ronan T. Jameson, a minor,

Petitioners,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

*
* Autism; Significant Aggravation;
* Petitioners' Motion for a Decision
* Dismissing the Insufficient Petition;
* Proof of Causation; Vaccine Act
* Entitlement; Denial Without Hearing

DECISION¹

Vowell, Special Master:

On April 3, 2006, petitioners filed a Short-Form Autism Petition for Vaccine Compensation in the National Vaccine Injury Compensation Program [“the Program”],² alleging that their son, Ronan Jameson [“Ronan”], developed an autism spectrum disorder [“ASD”] as a result of a measles, mumps, and rubella [“MMR”] vaccination and vaccines containing thimerosal.

On January 13, 2012, petitioners filed an amended petition in which they claim that the multiple vaccines, including the pneumococcal conjugate, diphtheria, tetanus, and acellular pertussis, Haemophilus influenzae type B, and polio vaccines, significantly aggravated Ronan’s underlying mitochondrial condition, resulting in a seizure disorder and a brain disorder with features of an ASD. The information in the record, however, does not show entitlement to an award under the Program.

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioners have 14 days to identify and move to delete medical or other information, that satisfies the criteria in § 300aa-12(d)(4)(B). Further, consistent with the rule requirement, a motion for redaction must include a proposed redacted decision. If, upon review, I agree that the identified material fits within the requirements of that provision, I will delete such material from public access.

² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

On July 12, 2013, petitioners moved for a decision on the merits of the petition, acknowledging that insufficient evidence exists to demonstrate entitlement to compensation.

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

Under the Act, 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, because there are insufficient medical records supporting petitioners’ claim, a medical opinion must be offered in support. Petitioners, however, have offered no such opinion that supports a finding of entitlement.³

Accordingly, it is clear from the record in this case that petitioners have failed to demonstrate either that Ronan suffered a “Table Injury” or that Ronan’s injuries were “actually caused” or significantly aggravated by a vaccination. **Thus, this case is dismissed for insufficient proof. The Clerk shall enter judgment accordingly.**

IT IS SO ORDERED.

/s Denise K. Vowell

Denise K. Vowell
Special Master

³ As discussed during the status conference held on November 2, 2012, the expert report of Dr. Fran D. Kendall (petitioners’ exhibit 42) is insufficient to support petitioners’ allegations of vaccine causation.