

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 11-68V

Filed: February 28, 2012

VICTORIA VENTIMIGLIA,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

*
*
*
*
*
*
*
*
*
*

Special Master Zane

Ruling on the record; HPV vaccination;
encephalopathy, neurological injury,
autoimmune/inflammatory disorder, etc.

William P. Ronan, III, The Ronan Law Firm, Overland Park, Kansas, for Petitioner;
Glenn A. MacLeod, United States Dep't of Justice, Washington, D.C., for Respondent.

UNPUBLISHED DECISION DISMISSING CASE¹

On January 31, 2011, Petitioner, Victoria Ventimiglia, filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, as amended ("the Act"), alleging that she suffered a number of injuries, *inter alia*, encephalopathy, neurological injuries, an autoimmune/inflammatory disorder, neurotoxicity, seizures or seizure-like activity, episodes of syncope or near syncope, frequent debilitating headaches, weakness, numbness, fatigue and depression, that were caused in fact by her receipt of the Gardasil (Human papillomavirus (HPV)) vaccines administered to her on November 21, 2007, and February 5, 2008. Petition, ¶ 21. For the reasons set forth below, the undersigned finds that Petitioner is not entitled to compensation and dismisses her case.

This case was transferred to the undersigned on March 16, 2011. Following a March 25,

¹Because this decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to delete such information before the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access. 42 U.S.C. § 300aa-12(d)(4); Vaccine Rule 18(b).

Petitioner may not be awarded compensation based on her statements alone. 42 U.S.C. § 300aa-13(a)(1). Rather, the petition must be substantiated by either the medical records or by a medical opinion. *Id.*

An examination of the record demonstrates that it does not contain medical records or a medical opinion sufficient to demonstrate that petitioner was injured by the subject HPV vaccinations. First, there is no “Table Injury” associated with the HPV vaccination, and Petitioner does not claim to have suffered a “Table Injury.” Second, and more important, the medical records do not support Petitioner’s claim that her alleged injuries were caused by her receipt of the HPV vaccinations in that none of Petitioner’s treating physicians definitively opined that her alleged injuries were caused or significantly aggravated by her vaccinations. Moreover, Petitioner has not and, based on her motion, does not intend to offer an expert medical opinion.

Based on the review of the record as a whole as discussed above, Petitioner has failed to prove by a preponderance of evidence that she suffered a “Table Injury” or that her conditions were “actually caused” by a vaccination. For these reasons and in accordance with 42 U.S.C. § 12(d)(3)(A), **Petitioner’s claim for compensation is denied, and this case is dismissed for insufficient proof.** In the absence of a motion for review, the Clerk of the Court is directed to enter judgment accordingly.

IT IS SO ORDERED.


Daria J. Zane
Special Master