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Vaccine Court Rejects Autism Claims

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(UPDATED) February 12, 2009 — The federal "vaccine court" has rejected claims that either the measles/mumps/rubella (MMR) vaccine or thimerosal in vaccines caused children's autism.

The ruling is a major setback for the more than 5,000 cases in which families claim that the mercury-based thimerosal -- a preservative no longer in wide use in vaccines -- or the MMR vaccine itself caused their children's autism.

"We didn't just lose, we didn't get to first base," Curtis Webb, lawyer for one of the families involved in today's decision, tells WebMD.

The vaccine court -- shorthand for the Office of Special Masters of the U.S. Court of Federal Claims -- oversees all claims for compensation due to vaccine-related injuries.

The three cases addressed today by the vaccine court were picked as test cases by a panel of lawyers representing all the families with vaccine-related autism claims. The main issue in all three test cases was whether thimerosal-containing vaccines and/or the MMR vaccine can cause autism.

The decision, in all three cases, is no. The court formally rejected arguments that either the MMR vaccine or thimerosal caused the children's autism.

The three separate decisions by the court's "special masters" were not close.

"To conclude that [autism] was the result of [this child's] MMR vaccine, an objective observer would have to emulate Lewis Carroll's White Queen and be able to believe six impossible (or, at least, highly improbable) things before breakfast," wrote Special Master Denise K. Vowell.

The vaccine court reviewed huge amounts of scientific evidence, including tens of thousands of pages of medical records and scientific literature and testimony from scores of medical experts.

Today's ruling is a legal decision and not scientific proof. Even so, the court firmly rejected arguments that thimerosal or MMR vaccine causes autism.

"I find that it is *extremely unlikely* that any of [this child's] disorders were in any way causally connected to her MMR vaccination, or any other vaccination," writes Special Master George L. Hastings, Jr. [Italics in original.]

Not the End, Lawyer Says

Though disappointed, Webb isn't ready to give up.

"We [will] file a motion for review within 30 days," Webb says.

Today's decision "will have a very broad significance," Webb predicts. "Lots of people will interpret this as somehow the most recent of several rejections of the hypothesis that the MMR vaccine can contribute to autism."

Ultimately, Webb plans to take the case to a federal appeals court.

"At least as far as those families that believe that it was the MMR vaccine that contributed to their child's autism, I would just say wait till the federal circuit decides the appeal before you give up on the hypothesis," he says.

Webb notes that the parents of William Yates Hazlehurst, the 9-year-old autistic child in the case he argued before the vaccine court, "focused 90% of their effort in making life better, providing the therapy that they could afford and the support that he does need. They haven't spent their lives focused on whether the vaccines caused it or not," says Webb, of Webb, Webb & Guerry in Twin Falls, Idaho.

Last March, federal officials said that a Georgia girl, Hannah Poling, was entitled to compensation from a federal vaccine injury fund because she developed autism-like symptoms after receiving childhood vaccines in 2000. That decision was based on the possibility that vaccination may have aggravated Hannah's underlying mitochondrial disorder, resulting in autism.

With reporting by Daniel J. DeNoon.

SOURCES:

U.S. Court of Federal Claims Office of Special Masters.

Curtis Webb, lawyer, Webb, Webb & Guerry, Twin Falls, Idaho.

WebMD Feature: " [FAQ: Vaccine Court Hears Autism Cases.](#)"

WebMD Health News: " [Gov't: Girl's Autism-Like Symptoms Linked to Vaccines.](#)""
