

Memorandum Regarding Kennedy Krieger Documents

The stated purpose of the Committee on Oversight and Government Reform hearings scheduled for November 29, 2012 is to address the rapid rise in Autism Spectrum Disorder diagnoses and what the federal response has been. It is impossible to legitimately inquire into the rise of autism and the federal response without looking at the Omnibus Autism Proceeding and the government response to the case of Poling v. HHS. The stated purpose of the O. A. P. was “to determine if vaccines can cause autism or similar neurological disorders and if so under what conditions.” In Poling v. HHS the government secretly conceded that Hannah Poling suffered autism as a result of a vaccine injury. Then the government concealed the evidence in her case.

Poling v. HHS would have been the 4th test case in the OAP if the government had not conceded the case. The Rule 4-c report is the minimum the government is required to document in order for a child to be compensated under the NVICP. The Rule 4 c report in Poling (attached as exhibit 1) states, “In sum, DVIC has concluded that the facts of this case meet the statutory criteria for demonstrating that the vaccinations CHILD received on July 19, 2000, significantly aggravated an underlying mitochondrial disorder, which predisposed her deficits in cellular energy metabolism and caused regressive encephalopathy with features of autism spectrum disorder.”

The government concession that Hannah Poling suffered autism as a result of a vaccine injury is based upon the medical opinions of two of the top physicians at Kennedy Krieger Institute, Dr. Andrew Zimmerman and Dr. Richard Kelly. Dr. Jon Poling, the father of Hannah Poling is also a neurologist who trained at Kennedy Krieger. To summarize, the theory of causation in the case of Hannah Poling is that she had a genetic predisposition (mitochondrial disorder) and an environmental insult (vaccines) which caused regressive encephalopathy and a diagnosis of autism.

The government never intended for the American people to know about the Poling case and has fought hard to conceal the evidence in her case. However, the Rule 4-c report was eventually leaked to the media. After the Rule 4-c report was leaked to the media in March of 2008, the government claimed that Hannah Poling’s mitochondrial disorder was an extremely rare condition. The government’s claim that mitochondrial disorders in autistic children, is an extremely rare condition is not consistent with the opinions of experts in the fields of mitochondrial disorders and autism. The very first sentence in the paper entitled **Evaluation and Treatment of Patients with Autism and Mitochondrial Disease** by Richard I. Kelley, MD, PhD Kennedy Krieger Institute (attached as exhibit 2) states “Our clinical experience at Kennedy Krieger Institute over the last 15 years has shown that a deficiency of mitochondrial complex I is a common cause of regressive autism.”

In the original Rule 4-c report, the government denied that Hannah Poling suffered a seizure disorder as a result of a vaccine injury. In response, Dr. Zimmerman wrote an expert opinion dated November 30, 2007 (attached as exhibit 3) which explains how Hannah Poling suffered a vaccine injury that resulted in not only a residual seizure disorder but also autism. Again, the

government response was to concede the case and seal up the evidence. The November 30, 2007 letter of Dr. Zimmerman recently surfaced and is not known to the general public. The letter is extremely important because it explains in simple terms how vaccines can cause autism in a subset of children.

Dr. Zimmerman's written opinion dated November 30, 2007 appears to directly contradict a previous opinion of Dr. Zimmerman, which the government used as evidence to deny compensation to the remaining five thousand cases in the O.AP. The DOJ even denied the existence of the information contained in Dr. Zimmerman's second report during oral arguments before the U. S. Court of Appeals for the D.C. Circuit. See MEMORANDUM REGARDING MISCONDUCT BY THE UNITED STATES DEPARTMENT OF JUSTICE AND THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES DURING O.A.P. AS TO EXPERT OPINIONS OF Dr. ANDREW ZIMMERMAN.

It is important to note that the parents of Hannah Poling wanted to discuss the expert reports in their child's case. The parents of Hannah Poling even filed a MOTION FOR COMPLETE TRANSPARENCY OF THE PROCEEDINGS which states the Petitioners "request an order permitting the parties, or their representatives, to freely discuss with any person each and every aspect of this case, including the details of the Respondent's (HHS) concession that Hannah is entitled to compensation for her vaccine-related injuries, including autism." Petitioners "believe the public has a right to know the details of her case and the extent of the Respondent's concession." HHS opposed the Motion for Complete Transparency and concealed the RULE 4-c report, Dr. Zimmerman's opinion and other unknown documents. The evidence in Hannah Poling's case was concealed from the American people as well as the scientific and medical community.

The federal government is intentionally concealing critical evidence of how vaccines can cause autism in some children. This willful suppression of science and medicine is a tremendous obstruction to advances in the prevention and treatment of autism.

Respectfully submitted,

Rolf Hazlehurst