



Should Veterans Have the Right to Sue for Negligence in Military Hospitals?

Written On July 6, 2011 By [Bob Kraft](#)

Since 1950, U.S. veterans have been unable to make claims for medical malpractice committed in military hospitals. This seemingly unfair rule was decided in a U.S. Supreme Court case referred to by the Plaintiff's name, Feres. It is now called the Feres Doctrine.

Many lawyers who represent vets thought there was a chance this 60-year-old rule might have been overturned by the current Supreme Court in a lawsuit brought by a plaintiff named Witt. Unfortunately, Last week the Supreme Court declined to hear the case, and issued no comment on their reasoning.

The case concerned a 25-year-old Air Force staff sergeant, Dean Patrick Witt, who died after a nurse put a tube down the wrong part of his throat during a routine appendectomy.

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Now New York Congressman Maurice Hinchey, has said he will file a bill to try to overturn the Feres Doctrine. The effort to change the law has gotten wide support from military officers and veterans groups.

If the law is changed, it could expose the federal government to billions of dollars in liability claims. That makes it highly unlikely a divided Congress desperate to cut expenses will act on its own to change it.

Hinchey argued that the cost would be less than estimated because the law would result in a better level of care in military hospitals and fewer negligence claims. He said federal prisoners have more rights than service members and their families when it comes to seeking damages for medical malpractice.