

The DoD Times (Redacted)



When Covering Our Tracks Matters More Than a Person's Life

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Did You Know: In 2023, the Army [denied](#) the medical malpractice claim of [MSG Richard Stayskal](#), a Special Forces Soldier whose CT scans indicated a large lung tumor that was repeatedly misdiagnosed. In July 2017, six months after the initial CT scans, a civilian oncologist informed him that he had Stage 3 lung cancer, which later became terminal [Stage 4 Cancer](#). In 2020, he filed a medical malpractice claim against the U.S. Government (USG). He did this via the [legally mandated](#) – as of the [2020 NDAA](#) – DoD administrative medical malpractice claims process ([DD Form 2526](#)) that was born out of a House Resolution (H.R.) bearing his name, H.R. 2422, the [SFC Richard Stayskal Military Medical Accountability Act of 2019](#). In their denial response to MSG Stayskal, the Army claimed that there is “no evidence that the prognosis or chance of survival was adversely affected by the [**MONTHS**] long delay in the diagnosis of lung cancer.”

Here are some potential implications of this fact:

1. The denial reinforces that the DoD has absolute impunity to ignore the spirit and the will of Congress, i.e. the spirit and the will of the American people.
2. The denial clearly communicates to every person in the DoD, whether Service Member or family member, who has suffered from medical malpractice that the chances are low that the DoD will substantiate a malpractice claim – “We didn’t even pay this guy [Stayskal], and his name’s on [[H.R. 2422](#)] – why would we pay you?”
3. The Army’s justification for the denial, a justification which contradicts well-known evidence that [early cancer diagnosis](#) improves patient prognosis, very likely will feel like a blatant betrayal of professional honor and decency to MSG Stayskal, his family, and to the larger DoD.
4. These feelings of betrayal could contribute to a decrease in organizational trust, which will negatively impact military [recruiting and retention](#).
5. Congress’s unwillingness to rescope the [Feres Doctrine](#), which prevents Service Members from filing civil lawsuits against the USG via the [Federal Tort Claims Act](#), will force Service Members to continue to endure the DoD’s opaque administrative processes absent the legal rights afforded to non-military American citizens, such as [Discovery](#).

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A question to ask yourself is why Congress continues to allow the DoD to grade its own homework. Something must change. And that change must start with [Congressional action](#).

If you feel that you have been a victim of this "Did You Know" highlight, feel free to reach out privately or share your story in the comments.