

The DoD Times (Redacted)



Your Tax Dollars at Work: Government Overreach Reaches a New Low with Westfall

Lt Col (Ret) Ryan Sweazey (Retired, Air Force – United States Air Force Academy), President and Founder of the [Walk the Talk Foundation](#), authored this article. (Published May 18th, 2025)

Check out our Podcast, *The Star Chamber*, on: [Apple](#) | [Spotify](#) | [YouTube](#)

Did You Know: The Feres Doctrine prohibits uniformed service members from suing the Federal Government and the Westfall Act defends current and former federal service members from being sued in civil court. Armed with these, the United States Government will use your tax dollars to defend, and pay settlements for, alleged sexual predators in the Department of Defense...if they are high-ranking enough.

You may not have heard of the case [SPLETSTOSER V. JOHN HYTEN](#), but if you are a service member, veteran, or American taxpayer, it's worth a thirty-minute perusal.

For the past several months, we've written a lot about the abomination which is the [Feres Doctrine](#) – the prohibition on service members suing the Federal Government. The result of this abhorrent law is that the individual service member has little to no recourse when wronged and one avenue which civilians have for redress – the civil court system – is not a right afforded to our men and women in uniform.

But there's another law out there we haven't discussed: the [Federal Employees Liability Reform and Tort Compensation Act of 1988](#), also known as the “[Westfall Act](#)”. And like its big brother the Feres Doctrine, the Westfall provides another nearly impenetrable blanket to those in (and those formerly in) federal service. While Feres prohibits service members from suing the government, Westfall was designed to defend federal service members from being sued in a civil court. Well-intentioned, Westfall has sadly followed Feres in affording an exorbitant amount of deference to our Department of Defense and the unethical acts perpetrated by an increasing number of senior officials. Speaking of...

Returning to Spletstoser v Hyten...

In 2019, Army Colonel Spletstoser alleged that she was sexually assaulted by then- Air Force [General](#) John Hyten in 2017. The Air Force did not substantiate those accusations (much to the surprise of practically no one reading this, we're sure), so Spletstoser subsequently filed a civil suit against Hyten. At the time of the suit, Spletstoser had

The DoD Times (Redacted)

retired, and Hyten was serving as the Vice Chairman to the Joint Chiefs of Staff. Although Hyten retired from active duty in November 2021, the government elected to invoke Westfall and represent him in the civil suit. The government's argument: they were defending him because, falling back to the Westfall Act, his acts were incident to service while in the military.

That last sentence bears repeating in other words:

The government represented a retired General and, as rationale for that defense, argued that the alleged sexual assault of a subordinate was incident to his official duties while serving in the military.

The 9th circuit court of appeals did not agree. I think/hope most would not.

Spletstoser settled the case in July 2023. Who paid the \$975,000 award out? Not Hyten. [You and I did. The American taxpayer.](#)

Most of us veterans now work 3-4 months out of the year for free because 20-30% of our income (to include our military pension) goes back to Federal/state governments. This means that our first few months out of the year are basically volunteer work – we don't start bringing home our own money until about March or April. And for that "investment" into the federal, state, and local governments, we get... Universal health care? Ubiquitous public transportation? Pristine road and bridge infrastructure? Ahhh...no. Instead, we fund a government redefining the word "overreach" every day, doing things like defending alleged sex offenders...in civil courts...**and** paying the bills for them when they don't win.

Let's juxtapose that with [E-5](#) or [O-3](#) Snuffly out there: honorably-serving victims of reprisal / retaliation / etc. who have their careers derailed by some nefarious DoD actor. Can they sue the government? Nope. Feres says so. Do they get government representation when they file their IG or EO complaint? Nope. [The military does not afford them any legal counsel.](#) If they retire or separate, or are [involuntarily separated](#), what representation do they have when they sue for damages? It's whatever they can afford...which is very little because the Big G will likely swoop in yet again and that separated [O-3](#) will be quickly up to their eyeballs in lawyers' fees while they sue the juggernaut which is the U.S. Government.

And meanwhile, our government comes to the defense of people like Hyten – retired General Officers accused of sexual predation...in *civil* lawsuits...and then pays on their behalf!

Your tax dollars at work, fellow brothers- and sisters-in-arms!

Happy belated Tax Day to you all!

Also, [SIGN THIS PETITION](#) demanding that our leaders in Congress change this unjust system.