

Two of many other cases - The Need for Accountability: Sergeant Carmelo Rodriguez's story is another shocking example of a military medical malpractice claim currently barred by the Feres doctrine. Rodriguez tragically died in November 2007, leaving behind a young son and a family full of grief, anger, and disbelief. Once a strapping young Marine at 190 pounds, the twenty-nine-year-old platoon leader had wasted to less than eighty pounds by the time of his death, the result of skin cancer that was repeatedly misdiagnosed as a wart or birthmark by military doctors. When Rodriguez enlisted in the Marine Corps in 1997, he underwent a routine physical check-up. During the physical, the military doctor documented that the then nineteen-year-old had melanoma on his right buttocks, but never informed Rodriguez or anyone else of the condition, and gave no recommendation for further treatment. Seven years later, while serving in Iraq, Rodriguez visited another military doctor for a growth on his buttocks that concerned him. He was told to see that doctor again when he returned to the United States from deployment, which would be five months later. In November 2005, Rodriguez saw the same military doctor from Iraq in the United States. After an examination, he was directed to dermatology to have a "birthmark" removed for cosmetic purposes. By April of 2006, while several referrals were "lost in the system," Rodriguez's "birthmark" began bleeding and leaking pus. Out of desperation, Rodriguez finally made an appointment to see a dermatologist without a referral. The dermatologist delivered devastating news. Rodriguez was suffering from stage three malignant melanoma. Rodriguez had three surgeries and received radiation and chemotherapy, but it was too late. The cancer had spread to his lymph nodes, liver, kidney, and stomach, and Sergeant Rodriguez only had a year left to live. Rodriguez's doctors informed him that if the cancer had been diagnosed earlier, it probably would have saved his life.

Enlisted personnel are not the only ones susceptible to military medical malpractice—even high-ranking officers can become victims. Colonel Adele Connell, a soldier with thirty-four years of military service, believes she was the victim of medical malpractice during an operation at Walter Reed Army Medical Center in December 2008. When Connell learned in November 2008 that she had breast cancer in her left breast, she elected to have a double mastectomy to avoid possible future cancer. When she awoke after surgery, Connell was

shocked to learn that doctors had accidentally removed sixteen lymph nodes from the right side of her body (rather than the left side where the cancer was located). The surgeon appeared unaware that she had operated on the wrong side until Connell's daughter informed her of her mistake. As a result of the "wrong-sided" surgery, Colonel Connell suffers from a devastating condition called lymphedema, which causes severe and constant pain in her right arm and brings an increased risk of infection due to a deficient immune system.

Rodriguez's story was featured on CBS Evening News.