

*Measure Would Enable Family of Sgt. Carmelo Rodriguez & Others to Hold Military Accountable for Negligent Medical Care*

Washington, DC - Congressman Maurice Hinchey (D-NY) today announced that the full House Judiciary Committee, led by Chairman John Conyers (D-MI), will vote TOMORROW, June 24 on a bill the congressman authored that would enable armed service members and their families to hold the military accountable for medical malpractice. Beginning at 10:15am, a live webcast of the Judiciary Committee's debate and vote on Hinchey's bill will be shown on <http://judiciary.house.gov>.

Current law prevents any such malpractice lawsuits from being filed against the military regardless of the egregiousness of the situation. Hinchey's bill, the Carmelo Rodriguez Military Medical Accountability Act of 2009, is named after the late Sgt. Carmelo Rodriguez of Ellenville, New York, who died of skin cancer in 2007 after a series of extraordinary mistakes made by military medical personnel.

"I am very pleased that we have reached this important step in the legislative process and I am hopeful that the House Judiciary Committee will approve the Carmelo Rodriguez Military Medical Accountability Act of 2009 tomorrow," Hinchey said. "This is an important piece of legislation that would reverse a great injustice by finally providing members of the military and their families with the right to hold their medical providers accountable for gross negligence. Signing up for the military to honorably serve our country should not mean that one has to sign away basic rights held by every other American."

On March 24, 2009, the House Judiciary Subcommittee on Commercial and Administrative Law held a legislative hearing on the bill. Hinchey testified before the subcommittee on the merits of the bill as did Sgt. Rodriguez's sister, Ivette, who highlighted the impact the tragedy has had on her family. The Subcommittee on Commercial and Administrative Law subsequently passed the Carmelo Rodriguez Military Medical Accountability Act of 2009 on May 19, 2009, moving the bill onto the full Judiciary Committee for consideration.

Rodriguez, a Marine who served in Iraq, died in 2007 at the age of 29. Upon enrolling in the military in 1997, Rodriguez received an initial medical exam that revealed melanoma on his buttocks. The doctor making the diagnosis, however, failed to tell Rodriguez or refer him to a

specialist. While serving in Iraq in 2005, Rodriguez was bothered by the area on his buttocks, which was constantly bleeding. A different military doctor repeatedly misdiagnosed the skin cancer as a birthmark or wart. The cancer eventually spread throughout Rodriguez's body and weakened him to the point that he went from being an athletic 190 pound man to weighing less than 80 pounds. He left behind a loving family, including a son who was seven years-old at the time.