

Good afternoon, Chairwoman Speier and Members of the Committee.

My name is Derrick Luckey from Pittsburg, California. I am joined today by my wife, Annette Luckey. We are the parents of the late U.S. Navy Seaman Danyelle Luckey, who died on October 15, 2016, from sepsis while serving on the U.S.S. Ronald Reagan. We were invited to appear here today to share what happened to Danyelle while she served our country.

First, let me say I am not a lawyer or politician, and I've never done anything like this before. However, I am here today to share with you the tragedy of Danyelle's death. She did not die in combat or any military operation. She died from the gross negligence of the medical providers on the ship she served, the U.S.S. Ronald Reagan. Her death was very preventable; instead, she died in excruciating pain instead of being properly treated.

When Danyelle came to me and said, "Dad, I want to join the military and serve my country." She wanted to join the navy to start a career as a sailor serving on a ship. When she approached me, I said, "I am concerned for you," and she said, "Dad, I will be okay," with that big smile that we remembered so much. A smile we will never see again.

Little did I know that on October 10, 2016, I would get the knock at the door at 9:03 AM telling me my daughter was dead, not from bullets but from sepsis. Like many who have children who serve in the military, we lived in fear of two officers knocking at our door. But our Danyelle was not in combat, and we were crushed when they told us she died. I thought it was impossible. How could my daughter be as healthy as she was dying from an infection? Our lives have changed forever. Danyelle had died on the U.S.S. Reagan not at war.

This tragedy was completely avoidable. Her death was the result of gross negligence and malpractice. If the medical providers on the U.S.S. Reagan had given her a simple treatment of antibiotics instead of turning her AWAY... she would be here today!

When we reached out to Attorneys around the country to represent us, they all said No, and that we couldn't do anything. Someone told us to reach out to Attorney Natalie Khawam, they said she's a strong fighter for our military. We did, and she was willing to help us seek justice for Danyelle.

Ms. Khawam told us that you, Chairwoman Speier, are an incredible advocate for our Military and that you are the Champion the Richard Stayskal Military Medical Accountability Act.

So today, I did come here to share with you the tragedy of our daughter's death and to share with you what is wrong with the system you created to seek justice when sailors like my Danyelle die when they are victims of medical malpractice

We all believed that when Congress passed the SFC Richard Stayskal Military Medical Accountability Act under your leadership, we would finally have justice and accountability for victims like Danyelle. Unfortunately, we could not seek justice for Danyelle as you this Congress had intended and we had hoped.

Sadly, we learned from our attorneys at ForTheMilitary.com that despite your hard work, Chairwoman Speier, and Congress's intent, the Department of Defense has decided not to allow claims from sailors on vessels/ships like Danyelle's. This is not what Congress intended; it's the opposite. I have also learned that they will not allow claims by sailors or soldiers when they are treated at military facilities outside the United States in places like Italy, Germany, and

England, where we have big U.S. military hospitals. So, just because a U.S. military hospital is not here in the U.S.A., the care doesn't have to meet the same medical standard. This is wrong. The DOD issued guidelines that do not align with what you and Congress intended – justice for victims of medical malpractice. Worse I am told that if a sailor like Danyelle were to file a claim and be denied, the appeal of the denial goes back to a panel made up by either the Army, Navy, or Air Force. So, the military decides the case and the appeal. That's like the home team getting to be their own referee in a football game. It's just not fair or what I think you intended. These denials should be heard by an independent federal judge, like other federal claims. That would be fair. Chairwoman Speier, the law as written today, can't bring justice to Danyelle, or me and my wife, but you can make changes that would allow for these other problems like the appeal and where a hospital is located to be corrected. Without these changes, the military will continue to be policing itself, and the military will decide if they are right or wrong, and worse, they will also determine the appeal if someone like me were to lose the case. I urge you to stop this now and correct these problems. I know you and the other Congress members care about our military and want them to have the best medical care possible, and when that care causes their death or harm, they should be compensated for that harmful maltreatment. Please make these changes and bring our military and their families justice today. Danyelle was robbed of her life and career. Let her mistreatment and death remind us that our military and families deserve justice now. Please fix the Stayskal Act to work the way you intended, and bring justice to victims and their families. Thank you.

Derrick Luckey