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FOR IMMEDIATE RELEASE

October 17, 2005

UNITED STATES MILITARY SETTLES CASE FOR MEDICAL NEGLIGENCE AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Today, the United States of America entered into a settlement agreement with Alice and Miguel Velasquez because of the conduct of military doctors at Bethesda Naval Medical Center and Walter Reed Hospital, which caused the couple to lose their child and Mr. Velasquez to be wrongly prosecuted for child abuse.

On February 3, 2000, the Velasquezes took their four-month old baby for a well-baby checkup at Walter Reed Hospital. Mrs. Velasquez was an active duty member of the United States Army. Mrs. Velasquez pointed out to the doctor a couple of bumps on the baby's ribs. X-rays were taken that revealed multiple rib fractures. Without any other evidence, and despite Mrs. Velasquez informing the doctors that there was brittle bone disease in her family, the doctors immediately accused Mr. Velasquez of child abuse, and contacted child protective services in Alexandria, Virginia, where the Velasquezes then resided. The child was taken from the couple and placed in foster care.

Osteogenesis imperfecta, "brittle bone disease," is a genetic defect in the bone structure that can cause fractures with ordinary, everyday activity. Placing an infant in a car seat could cause rib fractures in an infant with OI.

Despite the request of the child's mother, the Naval doctors, particularly of the Armed Forces Center for Child Protection, refused to have the child tested for osteogenesis imperfecta. Instead, she told Mrs. Velasquez to stop making excuses for her husband.

Miguel Velasquez was arrested and charged with felony child abuse. Through the efforts of the public defender assigned to him, funds were obtained from the court to pay for medical tests on the child. The test was positive for brittle bone disease and the charges were dismissed at the request of the City of Alexandria Commonwealth's Attorney's office.

Notwithstanding the dismissal, the child remained in foster care where, due to neglect of the foster care mother, she was hospitalized seven times in a ten-month period and nearly died. Despite the existence of the test result and diagnosis of osteogenesis imperfecta by a recognized geneticist, the doctors at Bethesda continued to insist the child was abused by Mr. Velasquez.

Due to the efforts of the Velasquez' counsel, Dorothy M. Isaacs of Surovell Markle Isaacs and Levy PLC, the child was returned to the couple approximately eighteen months later.



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Additionally, because of the actions of the military doctors, Mr. Velasquez was listed in the registry of child abusers, On August 10, 2004, the Virginia Court of Appeals reversed the finding of child abuse against Mr. Velasquez. The opinion is reported at *Miguel Velasquez v. Ray Goodwin, Acting Commissioner, Commonwealth of Virginia, Department of Social Services*, 2004 Va. App. LEXIS 383 (Unpublished 2004).

The couple and the minor child sued the United States for medical malpractice, intentional infliction of emotional distress, and malicious prosecution in the United States District Court for the District of Maryland, Baltimore Division. On Friday, **October 14, 2005, the United States settled the case for \$950,000 in the middle of trial.** In a statement placed on the record in the settlement proceeding, United States District Judge Richard D. Bennett apologized to Mr. Velasquez on behalf of the United States. The Velasquezes were represented in the civil case for damages by Dorothy Isaacs and by Patricia A. Smith of Alexandria.

Surovell Markle Isaacs & Levy PLC offers expertise in nearly every area of the law and several of its Members have been recognized in ***The Best Lawyers in America*** and ***Washingtonian Magazine*** as top attorneys in their fields. For more information, visit www.SmilLaw.com or contact us at 703.251.5400

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