

Retired Army colonel files civil lawsuit seeking damages against new vice chairman of the Joint Chiefs after the military ignored her claims that he repeatedly sexually assaulted her in 2017, including 'forcibly ejaculating after rubbing against her'

- Army Colonel Kathryn Spletstoser filed a lawsuit against Air Force General John Hyten for allegedly sexually assaulting her in 2017
- She filed the lawsuit in civil court in California on November 25 seeking punitive damages and a jury trial
- In September General John Hyten was confirmed as vice chairman of the Joint Chiefs of Staff, making him the second-highest-ranking military official
- She came forward after Trump appointed him to the high-ranking post and launched the lawsuit after he was confirmed
- She accused him of making passes at her several times in 2017
- In one instance in December 2017 he allegedly 'forcibly ejaculated after rubbing against her', according to the complaint
- When he allegedly realized she wouldn't give in to her advances he stopped giving her glowing praise and launched a probe into her 'leadership'

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PUBLISHED: 13:22 EDT, 30 December 2019 | UPDATED: 14:26 EDT, 30 December 2019

A retired Army Colonel who has accused the recently confirmed vice chairman of the Joint Chiefs of Staff of sexual assault has filed a lawsuit against him in civil court.

In September Air Force General John Hyten was confirmed as the second highest military official in the country, despite allegations that he sexually assaulted Army Col. Kathryn Spletstoser while she was under his command.

She came forward in April after President [Donald Trump](#) nominated Hyten to the post, claiming he sexually assaulted her numerous times in 2017. However, an official Air Force investigation did not substantiate the accusations against Hyten and he vehemently denied her claims at his confirmation hearing in July.

Spletstoser, who served in the Army for 28 years and has four combat deployments - two in [Iraq](#) and two in [Afghanistan](#) - refused to back down and on November 25 filed a civil suit in [California](#) seeking punitive damages and a jury trial.

'I didn't want to destroy people publicly and their entire lives. I didn't want to be a headline. I'm a very private person,' she said on the high-profile case to the [Daily Beast](#).



Army Colonel Kathryn Spletstoser (right), who served for 28 years, filed a lawsuit against Air Force General John Hyten (left), who was recently confirmed as vice chairman of the Joint Chiefs of Staff, for allegedly sexually assaulting her in 2017

Hyten has denied all of her allegations and the Pentagon has stood with him.

In her complaint she lists eight incidents that took place throughout 2017.

Spletstoser says the first incident took place on January 23, 2017 where Gen Hyten 'unexpectedly grabbed her hand and put it on his crotch, such that she could feel his erect penis.'

On May 19, 2017 Hyten allegedly 'attempted to kiss Lt. Col. Spletstoser and pulled her into him forcefully by her arms.'

On June 21, 2017 'he grabbed Lt. Col. Spletstoser across the breast, turned her towards him, and began to kiss Lt. col. Spletstoser on the lips, while having his hands on her buttocks.'

On August 23, 2017 he allegedly tried to hug her 'while rehearsing for his upcoming press conference, making contact with her breasts.'

Then on or about December 2, 2017 he 'forcibly ejaculated after rubbing against Lt. Col. Spletstoser.'

She spoke before the Senate floor in July at Hyten's confirmation hearing saying: 'I wish I could go back and do so many things differently with Gen. Hyten.'

'Maybe I was not forceful enough the first few times he came on to me? Maybe I should have told someone and gotten help? But my biggest regret is that I did not report him then. If I had, we would not be here today.'

'If I had not been so afraid of what would happen if I reported it—to me, to him, to his family. If I had done the right thing... the DNA from his semen would have been collected from that hotel towel or from my pants or his... Maybe then the Air Force would have prosecuted this case despite the fact that he is a four-star general. But instead we are here,' she said.

Spletstoser said that as a woman in the army she's been subjected to inappropriate actions by men, but never such behavior as allegedly demonstrated by Hyten.

She claims that by the end of 2017, Hyten realized she wasn't 'game' and stopped making advances on her. With that realization, came a turn in his praise of her.

A month before the last allegation of assault he praised her and recommended her for a post she was seeking, writing in an email that 'her work had been exceptional' and that 'she is brilliant, tough, detail-oriented.'

Then in January 2018, Hyten called her into his office and said he was initiating an investigation into her 'leadership style'. The probe sparked allegations that she was an 'insensitive driven achiever' known for 'common profanity, public berating, and backstabbing.'



Former Secretary of the Air Force Heather Wilson, left, and Gen. John Hyten appear before a Senate Armed Services Committee



U.S. Air Force Col. Kathryn Spletstoser (2nd L), confers with a colleague as U.S. Air Force Gen. John E. Hyten testifies



General Hyten pictured at the podium with his wife Laura (second right) behind him along with his daughter Katie (right)

Still she never reported the alleged assault, hoping he'd end his retaliatory behavior while bearing in mind they both intended to retire soon.

But when Trump nominated him to become the second most powerful man in the military she felt compelled to speak out and reported him to the inspector general.

She said she felt 'a moral responsibility to come forward.'

'I knew that there was a significant chance that it potentially could become public. Not to mention I had spent 28 years building a phenomenal career,' she said.

However in the military it is difficult to investigate senior commander and in June 2019 the investigation concluded there was insufficient evidence of misconduct by Hyten.

'The law enforcement investigation did not clear Gen. Hyten of misconduct. The Air Force Office of Special Investigations is an evidence-gathering entity—they do not make determinations of innocence or guilt. Instead, a fellow Air Force four-star general simply decided not to hold him accountable despite evidence of misconduct,' she wrote in an op-ed for the Air Force Times on August 27.

As a result of the allegation Hyten's confirmation hearing was delayed. In July both he and Spletstoser testified.

In the tense hearing, Senator Martha McSally stated that General Hyten was innocent. Her words carried extra weight in the hearing as she came forward just a few months prior to say she was raped by a superior officer.

On September 26, 2019 Hyten was confirmed as the vice chairman of the Joint Chiefs in a 75 to 22 vote.

The office of Joint Chiefs defends Hyten's name against Spletstoser's accusations.



'I didn't want to destroy people publicly and their entire lives. I didn't want to be a headline. I'm a very private person,' Spletstoser, a 28-year veteran, said after filing the lawsuit



Gen. Hyten pictured above greeting other officers at the Buckley Air Force Base in Colorado in May 2018

'All allegations provided to the Department of Defense were subject to comprehensive investigation and unsubstantiated. In addition, the Senate conducted its own exhaustive, comprehensive review of the matter during Gen. Hyten's confirmation process to be vice chairman of the Joint Chiefs of Staff,' Trisha Guillebeau, the public affairs adviser to the Joint Chiefs said to the Daily Beast in a statement.

'Gen. Hyten's confirmation by the Senate as vice chairman of the Joint Chiefs of Staff validates the trust that has been placed in him by our nation, our department's leadership, and Congress,' she added.

'My decision to report the behavior was excruciating,' Spletstoser said.

'Up until he was nominated, he was on a retirement track. We both were. I had no choice once it was clear he would be in a position to do this to those serving after me. Any other service member with my level of training would have done the same,' she added.

Now she hopes to find justice in civil court.