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U.S. to Pay \$975,000 to Resolve Sexual Assault Claims Against Air Force General

Kathryn A. Spletstoser, a retired U.S. Army colonel, had accused Gen. John E. Hyten of unwanted sexual advances and touching. General Hyten, who was later vice chairman of the Joint Chiefs of Staff, denied the allegations.



Kathryn Spletstoser, a retired Army colonel, said she hoped the settlement would help other members of the military as it struggles to address sexual assault complaints within its ranks. Credit...Erin Schaff/The New York Times

By [Michael Levenson](#)

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The federal government has agreed to pay a retired Army colonel \$975,000 to resolve a lawsuit she filed in 2019 that accused John E. Hyten, an Air Force general who later became vice chairman of the Joint Chiefs of Staff, of sexual assault, according to court records.

The retired colonel, Kathryn A. Spletstoser, had accused General Hyten of unwanted sexual advances and touching beginning in 2017, when he was her boss and the

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commander of the U.S. Strategic Command, responsible for overseeing the country's nuclear arsenal.

Colonel Spletstoser reported the accusations to military investigators in April 2019 after President Donald J. Trump nominated General Hyten to be vice chairman of the Joint Chiefs of Staff, the country's No. 2 military officer, helping to oversee the 1.2 million active-duty American troops at home and deployed around the world, according to her lawsuit.

General Hyten strongly denied the accusations, and an Air Force official charged with investigating Colonel Spletstoser's complaint declined in June 2019 to refer him to a court-martial. But Colonel Spletstoser spoke publicly about the accusations the following month, [telling The New York Times](#) that she had a "moral responsibility to come forward" as the Senate considered his nomination.

In her lawsuit, Colonel Spletstoser said that on one occasion in 2017, General Hyten had grabbed her hand and put it on his crotch so that she could feel his erect penis. On another occasion, she said, he had pulled her to him and kissed her on the lips while pressing himself against her, then ejaculated, getting semen on his sweatpants and on her yoga pants.

Advocates for victims of sexual assault said the accusations highlighted how, even after years of public criticism over how the Defense Department handles sex assault cases, the agency still had not gotten it right.

Others rallied to support the nomination.

Speaking at General Hyten's confirmation hearing in July 2019, [Heather A. Wilson](#), a former Air Force secretary, said she had directed a thorough investigation into the accusations and had concluded that the general "was falsely accused." She praised General Hyten's credibility and experience.

In September 2019, the Senate [voted, 75 to 22](#), to confirm General Hyten's nomination. Colonel Spletstoser retired the following month after a 30-year career in the Army. General Hyten retired in 2021 after 40 years in the military.

Both parties agreed this week to the \$975,000 settlement to resolve the lawsuit that Colonel Spletstoser had filed in U.S. District Court for the Central District of California, court documents show.

The settlement stipulates that it is "in no way intended to be, and should not be construed as, an admission of liability or fault on the part of the United States, its agencies, officers, employees, agents, and servants."

A spokesman for the Justice Department, which represented General Hyten, declined to comment on the settlement.

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Colonel Spletstoser indicated that she hoped the payment would encourage other members of the military who had experienced sexual assault within its ranks.

“It is my sincere hope that the successful outcome in my case will embolden other survivors of military sexual violence to come forward — no matter how high ranking the perpetrator,” she said in a statement released by her lawyer, [Ariel E. Solomon](#).

Ms. Solomon said she was not aware of another settlement that the federal government had agreed to pay in a case involving accusations of sexual assault made by one member of the military against another.

She said the vast majority of such cases are dismissed because of a 1950 Supreme Court [ruling](#) that established what became known as [the Feres doctrine](#), which holds that the government is not liable for injuries sustained by military members on active duty.

She urged Congress to enact legislation that would create an exception to the doctrine and make clear that sexual assault is never acceptable in the military.

“This victory is an important step in the right direction,” Ms. Solomon said. “However, to obtain justice for other countless survivors of military sexual trauma, Congress must act.”