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Military sex assault suit against general ends in rare settlement

The nearly million-dollar civil suit payout could lay groundwork for active-duty service members, attorneys say



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Kathy Spletstoser, a retired Army colonel, in 2020. (Matt McClain/The Washington Post)

A civil case filed by an Army colonel accusing a high-ranking general of sexual assault ended Wednesday in a nearly \$1 million settlement from the Justice Department, the first known resolution of its kind involving an active-duty service member, according to the plaintiff's attorney.

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Kathryn Spletstoser, now a retired Army colonel, accused her former superior, now retired Air Force general John E. Hyten, of making unwanted sexual contact with her on several occasions in 2017 while she worked for him. Hyten denied wrongdoing and lawmakers approved his nomination to become the vice chairman of the Joint Chiefs in 2019, the second-highest ranking military official, following investigations and inquiries about the allegations.

The \$975,000 settlement from the Justice Department closes the four-year proceedings, ending in what Spletstoser's legal team described as an unprecedented victory that could open avenues for military sexual assault survivors to pursue damages. Justice Department attorneys had claimed the Feres doctrine, which broadly shields the government from legal liability for injuries incurred in military service, applied in the case.

The investigation ended without a determination of "guilt or innocence," or a conclusion about whether Spletstoser's allegations had been "substantiated or unsubstantiated." A spokesperson for the Justice Department declined to comment on the settlement. Hyten, who retired in 2021 after a two-year term with the Joint Staff, heads the foundation arm of the space venture company Blue Origin, focusing on developing interest in science and exploration among students, along with duties advising senior executives. A spokesperson for Blue Origin did not return a request for comment. (The company's founder, Jeff Bezos, also owns The Washington Post.) Hyten is also on staff at the consultant firm Pallas Advisors, which did not return a request for comment.

Spletstoser hopes "the successful outcome of the case will embolden other survivors of military sexual violence to come forward, regardless of how high ranking the perpetrator is," said her attorney, [Ariel E. Solomon](#). The most egregious of the sexual assault accusations occurred in December 2017, when Spletstoser said Hyten ejaculated after pinning her against him in her hotel room at the Reagan National Defense Forum.

"The military almost never prosecutes those accused of rape or sexual assault and usually loses on the rare occasions it does," [Don Christensen](#), a former Air Force prosecutor who worked on the case, including the negotiations over the settlement, said in a statement. "Frustrated by the lack of accountability, sexual assault survivors serving their country have turned to civil courts to hold their offenders accountable ... those efforts have failed until today."

The outcome is a "significant" amount of money that signaled federal attorneys had a dim outlook on the prospects of the defense, Christensen said in an interview. "There was strong evidence of his guilt," he said.

It will take legislation to further compel accountability and damages in other sexual assault cases, Christensen added, but the "door has been cracked" for others to pursue similar action.

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The Justice Department tried to dismiss the case, saying the Feres doctrine applied because Spletstoser was on duty at the time. Federal judges rejected that effort, and a circuit court judge denied the appeal last year.

“It is unimaginable that plaintiff would have been ‘under orders’ to submit to Hyten’s sexual advances, or that she was performing any sort of military mission in conjunction with the alleged assault,” Circuit Judge Johnnie B. Rawlinson wrote in her decision, adding that it “could not be considered incident to military service.”