

FAMILY'S AGONY: They wonder what went wrong after routine surgery left a robust military man in a vegetative state

By Dawn House
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The operation on a 25-year-old Air Force sergeant was supposed to be a routine appendectomy.

Now the family of Staff Sgt. Dean Witt is asking doctors to remove life-support systems for a man they say was deprived of oxygen during negligent post-operative care that left him in a vegetative state.

In October, Witt had transferred from Hill Air Force Base to become a recruiter in California when he began having severe abdominal pains. He checked into the David Grant Medical Center, which serves 750,000 military personnel and their families in eight Western states, at Travis Air Force Base.

The day of the operation on Oct. 10, he telephoned his wife, Alexis Witt, 23. She had stayed behind in Salt Lake City with their children Hannah, 18 months, and Noah, born in September, while her husband was arranging housing accommodations at the base in Fairfield, Calif.

"He asked whether I was concerned about his surgery," she said of their last conversation. "I was busy at the time with our children and thought it was just a routine appendectomy." Hours later, a doctor called and reported that Witt had gone without oxygen "for a while," said Alexis Witt. She did not realize the seriousness of her husband's condition until a secretary calling about paperwork mentioned that Witt's lungs were filling and that he might drown in his own fluids. Alexis Witt and her brother Carlos Lopez, a former emergency medical technician, flew to California.

"I wanted to know how an operation on a healthy, 25-year-old man could go so wrong," said Lopez.

During the next two weeks, the family said the stories changed about how long Witt had gone without oxygen after he had been wheeled from the operating room: from a few minutes to as long as 15 minutes.

Had the family known the truth earlier, members said they would have had the opportunity to pull life support systems. The decision has been pending before a hospital ethics board for the past two weeks.

"If there was any chance, we wanted to take it," said Witt's father-in-law, Mario Lopez of Salt Lake City. "When we finally learned how long he had been without oxygen, we knew there was no chance for a recovery."

Carmen Voegeli, Witt's sister-in-law and a former Marine, recorded information given to her and other family members from the hospital staff. The operation, they were told, had gone fine.

But in the recovery room, a certified registered nurse anesthetist left his care to a student nurse



Staff Sgt. Dean Witt poses with wife Alexis and daughter Hannah in a family photo. (Courtesy of the Witt family)

and two resident doctors.

When one of the student residents noticed Witt was turning blue, they rushed him to the recovery room, which had four bays -- three adult and a pediatric -- separated by sheets. The equipment they used to resuscitate Witt and clear his airways was designed for infants and children.

An investigation faulted the absent nurse anesthetist, a major, who "felt so bad about this that she was on a suicidal watch and admitted to the psych ward of the hospital for a week," wrote Voegeli.

Travis base spokesperson, Capt. Michelle Tasista, said because of patient privacy concerns, she could not comment other than to say an investigation is underway.

Witt, like many people, left nothing in writing about wishes for his care during extreme medical situations.

"He's not Dean anymore, he's just lying there in a vegetative state," said Witt's mother, Jan Nell Williams, of Oroville, Calif. "He's down to 100 pounds and he just stares straight ahead. If the military would have been honest with us from the first while he was in an unstable condition, we would have had the opportunity to let him go."

Despite charges of negligence, the family cannot sue.

The so-called Feres Doctrine, named for a 1950 court case, makes it nearly impossible for those who serve in the armed forces to sue the military for injuries caused during stints in service.

It was originally intended to protect the federal government against wrongful-death suits from families of soldiers killed in war, but the courts have broadened the doctrine to provide immunity for the military against a wide range of complaints.

"The doctrine, which is more than 50 years old, is a gross injustice to the Witt family," said attorney Sharrieff Shah with the Salt Lake City firm of Parsons, Behle & Latimer. "It brings consistent inequities on families whose sons and daughters are far from home performing a service for the military while at the same time they cannot recover from any negligence the military has caused."

Said Alexis Witt: "Right now, I'm worried about finances. And I'm worried for other military families. Like me, they probably don't realize there is no recourse when they go to a military hospital when something goes wrong. That's not something we're told. We're not even given the option to see a civilian doctor."

A Dean Witt benefit fund has been established for his children at the Oroville Bank of the West and at any Zions Bank.