

# Federal Tort Claims Act (FTCA) Claims

## Attorneys Handling Injury Claims Against the Federal Government

Shulman Rogers represents patients and families injured by the negligence of federal employees, including at VA hospitals, military treatment facilities, and other federal agencies, across Maryland, DC, Virginia, and the country. Suing the federal government is not like suing a private party. There is a different process, different forms, and deadlines that, if missed, can permanently end an otherwise valid claim. We handle every FTCA matter in-house.

We handle every case ourselves. No referrals, no outsourcing.

## Suing the Government Requires Knowing the Government's Own Rules

The United States generally cannot be sued without its consent. The Federal Tort Claims Act is the law that grants that consent, allowing injured patients and families to seek compensation when a federal employee's negligence, often a doctor, nurse, or other provider at a VA hospital or military treatment facility, causes harm. But the FTCA comes with its own procedural rules, and they are unforgiving.

From the moment you call us, we begin preparing the administrative claim the law requires before any lawsuit can be filed. We gather medical records, retain qualified experts, and calculate a well supported damages figure, because the claim we submit to the agency is the foundation the entire case is built on.

## Why FTCA Cases Require Different Legal Experience

**You cannot go straight to court.** Before filing a lawsuit under the FTCA, a claimant must first submit a written administrative claim, typically using Standard Form 95, to the federal agency responsible. This is a mandatory first step, not an optional one, and a lawsuit filed without it will be dismissed.

**The deadlines are strict and unforgiving.** An FTCA claim must be presented to the appropriate federal agency within two years of when it accrues, or it is permanently barred. Once the claim is filed, the agency has six months to investigate and respond. If the agency denies the claim, or does not respond within six months, the claimant then has six months to file suit in federal court. These are separate deadlines, and missing either one can end the case.

**State law still applies to the substance of the claim.** Even though an FTCA case is filed in federal court, the underlying claim is generally evaluated under the law of the state where the negligence occurred. That means state law damage caps, such as Maryland's cap on noneconomic damages in medical malpractice cases, can apply. Understanding how state substantive law interacts with federal procedure is part of building the claim correctly from the start.

**Military and veteran cases carry additional complexity.** Claims involving VA hospitals and military treatment facilities follow the standard FTCA process, but claims involving active duty service members are generally barred by the Feres doctrine, a separate legal rule that limits when service members can sue the government for injuries related to their service. Sorting out who can bring a claim, and against which agency, takes experience with both the FTCA and the specific facility involved.

**There is no jury.** FTCA claims are tried before a federal judge rather than a jury. That changes how a case should be prepared and presented from the outset.

## What We Do From Day One

- **Confirm the correct federal agency and facility:** Identify which agency employed the negligent provider and where the claim must be filed
- **Gather the complete record:** Medical records, treatment notes, and any relevant military or VA documentation
- **Retain qualified experts:** Evaluate the standard of care and calculate a well supported damages figure
- **Prepare and file the administrative claim:** Complete Standard Form 95 with a sum certain demand and supporting documentation, filed within the two year deadline
- **Track the agency's six month response window:** Monitor the claim closely and prepare to file suit if the claim is denied or the agency does not respond
- **Evaluate applicable state law:** Determine which state's substantive law, including any damage caps, applies to the claim

## Common Types of FTCA Claims We Handle

- Medical malpractice at VA hospitals and military treatment facilities
- Postal vehicle and other federal vehicle accidents
- Wrongful death caused by the negligence of a federal employee

## Injuries and Harm We Handle

- Traumatic brain injury and spinal cord injury
- Surgical and treatment errors at VA and military facilities
- Permanent disability or disfigurement
- Wrongful death

## **Glossary: Key Terms in FTCA Claims**

**Federal Tort Claims Act (FTCA):** The federal law that allows individuals to sue the United States government for the negligent or wrongful acts of federal employees acting within the scope of their employment.

**Standard Form 95 (SF-95):** The form used to present an administrative claim to a federal agency, including a description of the incident and a specific dollar demand.

**Sum certain:** The specific dollar amount of damages a claimant must state in the administrative claim.

**Feres doctrine:** A legal rule generally barring active duty service members from bringing FTCA claims for injuries that arise out of or are incident to their military service.

**Administrative claim:** The written claim that must be filed with the responsible federal agency before an FTCA lawsuit can be filed in court.

## **Geographic Areas We Serve**

Our FTCA attorneys represent clients injured by the negligence of federal employees and at federal facilities throughout Maryland, Washington, DC, and Virginia, including VA hospitals and military treatment facilities in the region, and we evaluate national FTCA matters as well.

## **Frequently Asked Questions About FTCA Claims**

### **What is the deadline to file an FTCA claim?**

An administrative claim must be presented to the appropriate federal agency within two years of when the claim accrues. Missing this deadline generally bars the claim permanently.

### **What happens after I file the administrative claim?**

The agency has six months to investigate and respond. If the agency denies the claim, you generally have six months from the date of the denial to file suit in federal court. If the agency does not respond within six months, you may treat that as a denial and proceed to file suit.

### **Do I need a lawyer to file an FTCA claim, or can I do it myself?**

Nothing legally requires an attorney to file the initial administrative claim, but the claim you file sets the ceiling for what you can later recover in court, so it needs to be accurate and complete from the start. An attorney experienced with FTCA claims can help make sure the claim reflects the full scope of the harm.

### **Can active duty service members bring an FTCA claim?**

Generally, no. The Feres doctrine bars most claims by active duty service members for injuries connected to their military service. Veterans, retirees, and family members treated at VA or military facilities are generally not subject to this bar. We can help determine whether your situation qualifies.

### **Will my case be decided by a jury?**

No. FTCA claims are tried before a federal judge without a jury.

### **Do state damage caps apply to FTCA claims?**

Often, yes. Because the substance of an FTCA claim is generally governed by the law of the state where the negligence occurred, state law damage caps, including Maryland's cap on noneconomic damages in medical malpractice cases, can apply.

### **Talk to an FTCA Attorney Today**

If you or someone you love was injured by the negligence of a federal employee or at a federal facility, contact us. Your first consultation is free. We advance all costs. You pay nothing unless we win.

*Past results do not guarantee future outcomes. The information on this page is for general informational purposes only and does not constitute legal advice. Shulman Rogers is licensed to practice law in Maryland, Washington DC, and Virginia. National representation is available for select matter types.*

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