

Judge upholds most of award in flesh-eating case

March 25 2009, By JIM SUHR , Associated Press Writer

(AP) -- A federal judge has upheld most of an \$8.5 million judgment awarded to a woman who lost use of her arm due to flesh-eating bacteria misdiagnosed by an Air Force base doctor.

Magistrate Judge Philip Frazier last month granted only part of the U.S. government's request to trim \$1.13 million from the damages he assessed last year for Jean Phillips. Frazier lowered damages covering Phillips' past [medical expenses](#) by \$62,748, settling on an \$8.46 million payout.

Frazier had found that Dr. Dan MacAlpine, who was stationed at Scott Air Force Base near Mascoutah, Ill., failed to notice or heed Phillips' rash on her right arm in 2002. MacAlpine, assuming she was an addict looking for [prescription drugs](#), told her to go home and take over-the-counter pain medication.

But the rash turned out to be necrotizing fasciitis - commonly known as flesh-eating bacteria - that Frazier said eventually cost Phillips use of her right arm.

"This is a sad story," Frazier wrote in his ruling last November, adding that Phillips, the ex-wife of an Air Force captain at the base, now "faces the future with no reason to be optimistic that things will improve."

Thomas Keefe, Phillips' attorney, said he was not optimistic that the government would pay and that he was concerned it would appeal, which

could delay payouts.

U.S. Attorney's office spokesman Randy Massey said his office was "looking at all options."

No appeal has been filed.

Calls to an Iowa listing for MacAlpine went unanswered Wednesday.

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