

This could be BIG!

Submitted by George Young 2/6/2014

On Jan. 21, 2014 in the US District Court for Eastern District of Texas, Marshall Division an individual (see disclosure below) is suing the American Red Cross (ARC). The individual is suing citing gross negligence on the ARC for improperly or negligent training of the lifeguard staff @ a pool in TX. While a daycare group used a pool on June 9, 2009 a six year old wandered away from his teacher and was found on the bottom of the pool.

In the plaintiff statement a nearby lifeguard was told about the submerged child on the bottom of the pool BUT FAIL to respond. A daycare teacher jumped in the pool to retrieve the child. The poor child has suffered chronic health issues and will not be expected to ever be capable of function normally again. The distressed family and poor child is receiving approximately 96 hours a week of nursing care from a health agency.

Why this could be so big is that the plaintiff is suing the ARC. This case could change a lot of things.....Why sue the ARC??? As an ARC Authorized provider (ARCAP) being able to teach and certify ARC Lifeguards I see flags being waved all over this law suit. How does this impact the ARC or ARC instructors? The verdict is not out yet but I will be watching this case very closely.

As an ARCAP I have the responsibility of certifying students on Lifeguarding skills. Written tests, skill tests and a lot of intense training takes place. I keep the test scores and skill check off lists as proof that I covered and trained the students in the skills required to pass the class. As an instructor I have no control over the retention of skills of the students. The ARC has addressed the retention skill concerns for lifeguards by offering free refresher courses via internet to keep lifeguards fresh on the skills learned in the class and started to offer this service in 2012. Hopefully facilities offer or mandate skill training-staff training sessions two or three times a year to keep the pool staff fresh on skills and emergency procedures and policies.

Unconditionally, a truly sad moment for everyone involved. Especially the Child and family involved in this sad story. I am very interested on the outcome of this case. My Heart goes out to the victim and the family of the victim.

This is a report on a civil lawsuit filed in the US District Court for the eastern District TX. The details in the report came plaintiff that filed the complaint. Please note the complaint only represents one side of the story. Due process will follow.