

**Press Release:** The Law Offices of David P. Sheldon File Suit Against the Department of the Navy for the Wrongful Death of a Marine Corps Poolee Ordered to Drive While Impaired by Illness.

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 For nearly a decade, Tyler Gergler dreamed of following his parents’ legacy of service in the Marine Corps. When he turned 18, he was finally able to realize that dream, by joining the Delayed Entry Program, in preparation for active-duty service in the Corps. Delayed Entry Program members, or “poolees” enlist in the Marine Corps, but, as the title states, have their entry delayed so that they may participate in a physical training program to prepare them for boot camp. They remain, until entry, with their families, though also under the orders of their recruiters.

A month and a half later, on July 26th, 2019, Tyler was very ill and had been throwing up for nearly 16 hours. Via text, his recruiters ordered him to make the drive from southern Maryland to Colt’s Neck New Jersey for a social event the next day. When he notified his recruiters of how sick he was, they ordered him to drive anyway, and stated that he could be discharged for failing to show. Under this overwhelming pressure, Tyler obeyed his noncommissioned officers’ orders. Less than an hour and a half later, on a beautiful summer afternoon, Tyler died when, for no reason, his car veered off the road and crashed into the highway guard rail. There were no drugs or alcohol in his system, nor were there any conditions on the road that could have caused the accident.

 

 Tyler’s grieving parents, Jason Gergler and Raynu Clark, received not a single benefit from the Marine Corps. No life insurance, no funeral support, and, disgracefully, not even a flag or letter of appreciation for their son’s service. The Corps’ position was that Tyler had died while driving to stay with family that night, and thus had not died in the service of the United States. They were left with nothing but Tyler’s memory.

 The Law Offices of David P. Sheldon, alongside local counsel, have filed suit in the District of New Jersey, to correct this. *Clark and Gergler v. The Honorable Carlos Del Toro,* 2:22-cv-2586, illustrates the egregious and negligent conduct of Tyler’s recruiters, and the way they knowingly ordered a severely ill young Marine to drive.

This suit is not only to help compensate Mr. Gergler and Ms. Clark for the death of their son, but also to effect real change within Marine Corps recruitment practices. Tyler’s parents want to ensure that the Marine Corps will put in place the policy changes needed to ensure that no other parents have to suffer the same tragedy.