

## Employment Law Advice for America's™ Returning Veterans

Today, we're speaking with Mathew Tully, from Tully Rinckey PLLC law firm. We're one of the largest law firms in the country that represents National Guardsmen and reservists in employment actions. I got here because in 1995, I went away for three years of military service. I served in Korea, served at Fort Sill.

I returned to my job with the Federal Bureau of Prisons as a corrections officer, and I was discriminated against. They moved me to midnight shifts. They prevented me from going to certain training that I needed to get promoted. And I had enough. And I ended up suing by myself, because I couldn't afford an attorney, and I was able to win. The winnings from that lawsuit helped pay for my law degree. And I went to law school at night, worked at the prison during the day, and was able to move along and be a successful lawyer.

Under the Veterans' Employment Opportunity Act, members of the military, people that have served in combat have an advantage in getting hired by the federal government. The VEOA allows veterans to obtain hiring preference in obtaining federal employment, specifically, depending on certain conditions:

You may be able to get hired without having to take an exam.

You may be able to get hired for certain positions when the vacancy announcement has closed.

If you have a 30% or more disability rating from the Department of Veterans' Affairs, you can obtain certain positions just simply by applying.

Some of the qualifying factors for USERRA

are that you served in the military or that you previously served in the military, or even that you applied to serve in the military and you're undergoing medical evaluations for military service. All of those conditions are prerequisites for protection under USERRA

. Among the things that you need to look for when you're dealing with USERRA are:

Were you denied a promotion opportunity when you were away with the military?

Were you denied training that you now need in order to get promoted?

Were you denied certain shifts and benefits?

For example, did you used to have a windowed office and now you have a cubicle?

Were you formerly on the fifth floor and now you're in the basement?

All of those things are violations of USERRA

. USERRA

not only covers members of the National Guard and reserves, but it covers anybody who's ever served in the military. So if you're being discriminated against because of your prior service, that is a USERRA

violation. You don't have to be currently in the military. You don't have to be a reservist. You don't have to be a guardsman. Any military service, whether it's past, present, or future, protects you under USERRA

. It is a unique law. There are not many people who specialize in representing National Guardsmen and reservists and do that full time.

If you had a stroke or you had a heart attack, you don't want to go see the internal medicine person. You want to make sure that you see the best heart doctor that there is or the best stroke doctor that there is. Same thing with USERRA

and representing National Guardsmen and reservists. There are less than two dozen attorneys who specialize in this type of law. And the nuances of USERRA

, the minor mistakes that I've seen some attorneys make, it's because they're not as knowledgeable in USERRA

as they should be. USERRA

is a very difficult law that you really need to be able to do on a daily basis to master it.