

Injured Veteran Experiences Discrimination While Working on Army Base

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- Major Boston Real Estate Company Sued for Violating Rights of Veteran Employee July 23, 2008 - Fort Drum, NY

- A Boston-based real estate company is being accused of egregiously violating the employment rights of a veteran employee. Winn Management Company allegedly discriminated against Army Reserve member Joe Cox after he was called to active duty in 2006. Cox, a Staff Sergeant with the Army Reserve, held a management-level position with Fort Drum Mountain Community Homes in New York, a subdivision of Winn Management Group. While serving in the line of duty from 2006 to 2007, Cox suffered an injury and was required to return to active duty indefinitely to complete the Medical Evaluation Board process on a negotiated split-time basis. He agreed to return to his civilian position part-time. Despite attempts to work with the company, Cox was repeatedly met with resistance from his supervisors of Fort Drum Mountain Community Homes. In addition to returning to a position inferior in status to the position he left, Cox was also moved to a small cubicle, not permitted to attend weekly meetings, and was paid less than other managers hired later with less qualifications. Before reporting to active duty, Cox maintained an office and was consistently included in weekly meetings with other property managers. Cox resigned from his position in February 2008 due to the harassment from his supervisors. "Winn Management Company clearly violated Mr. Cox's rights under the Uniformed Services Employment and Re-employment Rights Act (USERRA)," said Samuel F. Wright, the attorney representing Cox. "The harassment he experienced at the hands of his former supervisors makes it impossible for him to return to work with the company." USERRA protects individuals who, voluntarily or involuntarily, leave their civilian employment positions to perform military responsibilities. The law requires employers to promptly re-employ the individual with the same salary, benefits, and seniority status they would have attained had they not been serving in the military. Wright is a partner at the Washington, DC office of the New York based law firm Tully Rinckey PLLC. The firm is one of the few in the country dedicating to protecting and preserving the rights of military personnel and veterans.