

## **Albany Attorney Takes on the Federal Government and Wins Again**

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– A landmark decision against the United States Department of State and the United States Office of Personnel Management was recently won. Well-known area attorney Mathew B. Tully argued the case on behalf of his client, a case that took on the age discrimination issue in the military. The decision in the case is a victory for veteran's rights across the country. Robert P. Isabella, a preference-eligible veteran, applied for the excepted service position of Diplomatic Security Service (DSS) Special Agent when he was 36 years old. The vacancy announcement stated that candidates must be appointed prior to their 37th birthday. Several months later, the agency eliminated Isabella from the selection process because of the fact he would soon reach the cut-off age. Federal law provides that a federal agency is required to waive the maximum age limit for a position with respect to the hiring of a preference-eligible veteran unless the agency can establish that the age limit rule is essential to the position's duties. This age limit was not a deciding factor for Isabella's application. He challenged the actions of the State Department based on the Veterans Employment Opportunities Act and the Uniformed Services Employment and Reemployment Rights Act (USERRA) and won. "This is a huge win for veterans and their employment rights. I expect thousands and maybe tens of thousands of veterans who would otherwise be ineligible for many positions to get jobs without regard to their age," said Tully. "This ruling just eliminated a method of discrimination against members of the military who took years out of their lives to fight for our country." Tully has helped clients win numerous cases against the federal government on account of their military service. He has appeared before the United States Senate and House of Representatives to testify on how to improve laws that protect members of the military. He is also a member of the New York Army National Guard and is a veteran of the war in Iraq.