

Conflict Overseas, Conflict at Work

The motto "one weekend a month, two weeks a year" used to be a powerful marketing tool for the U.S. Army National Guard, but Sept. 11, 2001 changed all that.

As of January 2008, the total number of National Guard and Reservists who have been deployed to Iraq and Afghanistan is nearly 500,000, according to the Department of the Defense.

The Pentagon's office of the Employer Support of the Guard and Reserve estimates there are about 1.3 million total National Guard and Reservists, and about half have been called to active duty since 9/11.

One weekend a month, two weeks a year? Dave Patel, director of national operations for the ESGR, says that belongs to a "bygone era," like an eight-track tape.

Another remnant from a bygone era that is becoming increasingly relevant these days is the Uniformed Services Employment and Reemployment Right Act, as more service men and women return from active duty and try to pick up where they left off. USERRA, signed into law in 1994, provides for comparable employment, salary, benefits and status for service personnel who return to their employer.

But not everyone finds a warm welcome from their employer when they return.

As of July 11, according to ESGR, more than 9,200 contacts were made to the organization through e-mail, phone or its Web site form this year -- of which more than 2,000 were determined to be employer-violation cases that required mediation through an ombudsman affiliated with ESGR.

The trend has certainly picked up from 2007, when the number of total contacts for the entire year was more than 13,100, of which more than 2,300 were determined to be cases of violations.

While Patel projects that the number of USERRA inquiries and complaints will continue to rise in the near future, he says that, while the number of inquiries has been increasing during the past three years, the number of actual cases has gone down.

According to figures from the agency, the number of actual employer-violation cases from 2005 to 2007 has decreased from 4,682 to 3,152 and 2,374, respectively.

Patel says most ESGR cases are resolved swiftly, due in large part to an army of nearly 900 ombudsmen, who attempt to mediate cases within 14 days. All ombudsmen are required to be well-versed in USERRA legislation. Rather than contacting the ESGR with violations, some service personnel reach out to a private attorney; Patel says the ESGR doesn't track those complaints.

Samuel F. Wright, a partner with the Washington office of the Tully Rinckey law firm and a retired captain of the U.S. Navy, agrees USERRA violations will likely increase, as more

service personnel return to work from active duty in Afghanistan and Iraq.

"I only hear from people who have problems, but I think there are a lot of violations, and they will increase," he says. While some employers may be "clueless" about the USERRA, he says most employers are familiar with the law, but find the law burdensome, as in the case of Joe Cox, one of his clients.

Staff Sgt Joe Cox didn't contact the ESGR, but rather turned to Wright after returning from 14 months of active duty to find that his previous position as community manager with a housing corporation had been filled and, according to Cox, his supervisor was reticent to make way for him.

"She told me that if I wanted my old position back, she would have to fire somebody and demote another person, and that she didn't want to be known as the person who ruined company morale," says Cox, who has been stationed at Fort Drum, N.Y. for 12 years.

The company, Fort Drum Mountain Community Homes, declined to comment on the potential litigation, according to

Tracy Ellis Williams, an attorney with Murtha Cullina in Stamford, Conn., which represents the

"Great Customer Service" – C.R.

"Great customer service, thoroughly explained all aspects of my case. Thank you." - C.R.

"Cannot Thank You Enough" – R.S. and C.S.

"I cannot thank you enough for all that you did for us." - R.S. and C.S.

“Great Service” – E.S.

I want to thank you all for the great service rendered [to] myself and family. - E.S. on Client Relations Attorney Derrick Hogan

Legal Disclaimer

The results of all client matters depend on a variety of factors unique to each matter. past successes do not predict or guarantee future successes.

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"Your firm held my best interests with high regard... I thank you for your efforts." - R.E.M.

"Prompt and Efficient" – K.B.

"Prompt and efficient in processing claim, all correspondence handled in prompt and efficient manner." – K.B.

“Impressed” – W.W.

“As a retired heavy user of attorneys, I’m impressed with your concerns and your efforts to stay in touch with your clients. Its damned good management aligned with top notch expertise.” – W.W.

“Excellent Service” – J.R.

“Excellent service, very professional, and understanding and considerate of clients needs. Attorney was very approachable and there was a very good comfort level.” – J.R.

“Professional & Informative” – J.H.

“Professional & informative... I was pleased with the handling of the case. I was treated as a person, and kept abreast of all aspects of the case. Thank you all.” – J.H.

“Thanks So Much” – J.D.

“Without your Firm, I would not have known of my claim. Thanks so much!” – J.D.

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“I am quite satisfied with the services your office has provided.” – R.W.

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“My attorney was the absolute best I could ever have hoped for. A pure professional in every sense of the word. She was very mindful of my financial expenditure and still was able to represent me very well in my court case.” – R.H.

“Outstanding Service” – A.R.

“Outstanding service, true professional.” – A.R.

“Top Notch” – V.W.

“My attorney was top notch. Very pleasant and helpful.” – V.W.

“Ideal Choice” – D.H.

“My attorney knew exactly the approach to take and was the ideal choice. She was extremely responsive. She was clear, balanced, and open to our views and feelings. She made it clear she was there for us and ready to answer questions.” – D.H.

“Very Satisfied” – D.D.

“I was very satisfied with the services provided which were completed in a very timely and professional manner.” – D.D.

“Excellent” – B.M.

“Your Firm provides excellent & free service to federal workers and NG/USAR members.” – B.M.