

Albany Law Firm to Add Staff After Court Hearing Victory

Tully Rinckey & Associates, the Albany, N.Y., law firm that's made a name for itself in cases involving military reservists and National Guard members, is likely to add three more lawyers thanks to a December hearing victory that has gone unappealed by the Department of Agriculture.

In a ruling handed down on Dec. 16, the Merit Systems Protection Board said that military reservists who worked for the federal government prior to 1994 had the right to seek back payment for leave days that were credited against their military time. The ruling built on an earlier decision that Tully Rinckey had won which paved the way for federal employees who were also reservists to seek back pay for the period from 1994 to 2000.

Since news of the ruling began circulating among federal workers, his firm has had more than 100 inquiries from people interested in filing a claim and seeking representation, partner Mathew Tully said. He expects many more cases to be filed and the additional lawyers would be needed to handle those cases, he said.

The first ruling would allow almost 100,000 federal employees who were also military reservists to file claims for back pay, Tully said. The December case, which stands as precedent because it was not appealed by the Jan. 6, 2006 deadline, extends that precedent.

Administrative law judges had been interpreting the law as allowing only a six year period to file such claims, from 1994 to 2000, Tully said. The new ruling, in the case of John Collins versus the Department of Agriculture, paves the way for perhaps 200,000 more claimants.

So far the firm has filed about 2,500 claims for reservists who served between 1994 and 2000. On average the settlements have averaged \$3,500 in back pay or equivalent leave days.

Tully Rinckey waives legal fees in cases involving reservists and works for attorneys fees in these cases.

The issue revolves around the way most federal agencies had handled military leave time, which is normally 15 days per year to attend military training or drills without using personal vacation time. Most workers were charged military leave for all days they were in uniform -- even for days, usually weekends, instead of days during which they would actually be working.

In 2000 the law changed so that only working days, not weekends were charged and in 2003 a federal judge said that the law applied retroactively.