

High Court Rules in Favor of Decorated War Hero

High Court Rules in Favor of Decorated War Hero

- Case will have widespread implications for thousands of veterans

March 1, 2011 – Washington, D.C.

– In a decision that will likely impact thousands of veterans for generations to come, one of the nation's highest courts has ruled in favor a highly decorated war hero by finding the U.S. Postal Service violated his rights under the Uniformed Services Employment and Reemployment Rights Act (USERRA). The case, *Erickson v. United States Postal Service*, involves Army Special Forces Sergeant Major Richard Erickson. Erickson, who has been awarded multiple medals for Valor and is a Purple Heart recipient, was fired from the Postal Service for "excessive absence due to military service," a blatant violation of federal law. The Court of Appeals for the Federal Circuit on Monday sent the case back to the Merit System Protection Board, which will likely order the Postal Service to reemploy Mr. Erickson with eleven years of back pay and benefits that could cost the Postal Service over \$1,000,000 in damages when attorney fees are included. The board previously incorrectly ruled that Mr. Erickson waived his rights by abandoning his civilian career to serve his country. Yesterday, in a precedent-setting decision, the Federal Circuit reversed the incorrect decision of the board by stating that the independent, quasi-judicial agency failed to properly consider all of the evidence in this case. The court stated that Mr. Erickson's military service was justified and that he had always planned to return to his civilian job, thus he did not abandon his job with the postal service. The decision further clarifies the abandonment principle under USERRA and will likely lead to both public and private employers having a more difficult time in discriminating against the half-million people currently serving in the National Guard and Reserves. The Federal Circuit had previously overruled the board's determination that Mr. Erickson's termination was not the result of discrimination based on his military service. The board had wrongfully claimed that Mr. Erickson's military absence exceeded five years and that he was not entitled to USERRA. "This is a man who spent years away from his family so that he could protect and serve his country," said Mr. Erickson's attorney, Mathew B. Tully, who also serves as a Lieutenant Colonel in the National Guard. "It is an absolute disgrace that my client has had to endure such hardships. I am confident that justice is right around the corner and Mr. Erickson will soon be able to put this heinous act of discrimination behind him."