

Veterans Return Home to Find Tough Luck on the Job Front

Many remain unemployed or are denied promotions and raises because of commitment to country

Working under the most unfavorable conditions while serving their country overseas, service members are returning home and receiving an even more unfavorable slap in the face on the job front. The U.S. Merit Systems Protection Board (MSPB)

reported that in 2010, Uniformed Services Employment Reemployment Rights Act (USERRA) cases have risen by 89 percent (533 cases in 2008, 1012 cases in 2010) in two years. USERRA

protects individuals who, voluntary or involuntary, leave their civilian job and perform military duties as long as they meet certain criteria.

"What these statistics are saying is that employers are not committed to anyone who commits to their country," said Greg T. Rinckey

, former Army JAG Attorney and managing partner at Tully Rinckey PLLC, a multistate employment law and military law firm.

According to the Government Accountability Office (GAO) their latest statistics show that from late 2008 to 2009 the longest USERRA

investigation lasted 357 days, far exceeding the 90 day cut-off. After analysis of Department of Labor data, the GAO also reports that 13 percent of USERRA

complaints investigated during that time failed to meet deadline.

"Even though the federal government provides free legal representation it's the same federal government that is breaking all the rules by letting these cases linger around. Law mandates that they complete an USERRA

investigation in 90 days but many are taking longer than that. Service members are finding that they need a private attorney because they push the case through faster and are fighting for the service member using other legal theories and remedies that free federal government representation isn't even looking at," said Mr. Rinckey.

The unemployment rate for Americans who have served in the military since September 2001 is 11.5 percent, compared to 9.4 percent for non-veterans, according to 2011 U.S. Bureau of Labor statistics.

"There are strict laws against this type of discrimination from federal employers. The only way to really hold their feet to the fire and ensure that all practices are being followed correctly is

to score victories in these USERRA

cases. When USERRA

wins rise, USERRA

complaints will fall because it will be then that these agencies get the message," said Mr. Rinckey.