

Fired Reservist Sues Former Employer

A Marine Corps Reservist who just shipped out for boot camp is suing his former employer for allegedly firing him because he joined the military – but his ex-bosses at a Connecticut car dealership say it's all a big misunderstanding.

Service supervisor Nick Saccomanno said he didn't know that Derek Laaser was only going off to Marine Corps initial training and then returning, and since the business had to lay people off anyway, it made sense to discharge him.

"I personally was totally confused about his status," Saccomanno told Military.com. "We would never, ever, ever think of denying him an opportunity to work and join the military."

Saccomanno declined to discuss the issue further, but John Gilmore, a spokesman for the law firm representing the dealership, said Laaser never made clear he was just going into the Reserve force and would be back. So Saccomanno essentially took the mechanic's news as a full resignation that happened to coincide with "a slowdown," Gilmore said: "[Laaser] was leaving anyway, so to try to save other jobs" he was let go.

David Slassberg, the attorney representing Laaser, said the explanations he is now hearing "sound like revisionist history."

"He [Laaser] was summoned into the office, and was told, 'We're letting you go,'" Slassberg told Military.com. Laaser went into a panic over losing access to a General Motors-affiliated training program at a local community college, and so he asked Saccomanno to give him a letter that made clear he wasn't being fired because he wasn't a good mechanic.

Slassberg said the termination letter states Laaser was being discharged from the job because of his military service and that "this decision was based not on performance." Under the Uniformed Services Employment and Reemployment Rights Act, or USERRA, meeting service commitments – whether for training or active-duty call-ups – are not grounds for job termination.

"Federal law clearly prohibits employment discrimination on the basis of military service," Slassberg said. Slassberg said he has handled many employment-related cases, but this would be his first USERRA case.

According to a longtime Navy Reserve JAG officer and lawyer with Tully Rinckey PLLC, a Washington law firm that has handled many USERRA cases, the dealership may very well have made Laaser's case for him if it did put in writing that he was being fired because of his military service. "That would make it what we call a 'Direct Evidence Case,' ... [that is] there is direct evidence of discrimination and the evidence is not circumstantial," Sterling DeRamus told Military.com.

But these cases are very rare, he said, and if Laaser's supervisors did put it in writing, they either didn't understand the law or decided to disregard it.

"Most likely the service manager will be getting a quick lesson in USERRA and issuing a

formal apology and rehiring this Marine very shortly – plus paying back pay and attorney fees," DeRamus said.