

## **Lawyer offers advice to soldiers, veterans**

By CAROL DeMARE, Staff writer

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On this Veterans Day, attorney Mathew Tully, who survived the Sept. 11, 2001 terrorist attack at the World Trade Center and later served in Iraq, advises that vets and military members should know their rights, especially in the area of work discrimination.

A founding partner of Tully Rinckey, 90 percent of Tully's practice is military-related. He represents clients before the U.S. Department of Veterans Affairs and those who may have lost their jobs because of their military service. The firm also defends nonmilitary workers, mostly in the public sector, in discrimination cases.

Tully, 36, of Niskayuna, has clients throughout the country. He testified before congressional committees over the last two years on laws affecting military personnel and veterans.

In 2007, Tully, a major in the New York Army National Guard, was selected to be a nationally syndicated columnist for Army Times Publishing Co. He writes about "military law, military immigration laws, adopting children overseas, military arrest and court marshal, the military death penalty and gays in the military," he said.

He was nationally recognized in 2005 by the American-Arab Anti-Discrimination Committee for his pro bono work in defending Arab employees facing discrimination in the aftermath of the 9/11 attack on the World Trade Center.

While in Iraq, he served with the 42nd Infantry (Rainbow) Division and was headquartered in Tikrit, hometown of former dictator Saddam Hussein.

His law partner, Greg Rinckey, 36, of Delmar, a former JAG officer, was among a small group of lawyers approved earlier this year to serve as civilian defense counsel to detainees at Guantanamo Bay. However, that was put on hold when President Obama made known his intention to close the detention center at the Navy base in Cuba.

In the area of workplace discrimination against military service people and veterans, Tully cites example after example. He told of several postal employees who were deployed to Afghanistan or Iraq and upon returning found they had lost seniority, pension credits and "a handful of them were actually fired." He represented an Army Special Forces sergeant major from Florida who while serving in Afghanistan in October 2001 was fired by the post office by way of a letter sent to his house. He got his job back.

Employers are becoming more familiar with laws protecting reservists and are not as flagrant, but some will find other ways, such as firing a veteran if he's two minutes late to work, Tully said.

Last year was a record year for discrimination complaints to the U.S. Department of Labor from military members and vets. He expects 2009 to be one as well. Tension is caused in both the

public and private sector as more people are deployed. Employers are frustrated at losing workers and having to replace them with temporary workers, he said.

"Veterans should know about the rights they have both in civilian employment and in other areas," he said, such as property tax reductions, and most "are unaware that if they were hurt while in military service, no matter how minor, they could be eligible for VA benefits. The VA system is very lenient if you can establish a military connection. There is no statute of limitations. I have helped World War II veterans 50 years later to get VA benefits."

A Long Island native, Tully served in the Army from 1995 to 1998. He worked for Morgan Stanley on the 65<sup>th</sup> floor of the World Trade Center's second tower on 9/11. He was in the lobby that morning, preparing to go to a courthouse to do research, when the plane struck the first tower.

#### VetTrak

Neither Albany nor surrounding counties have a designated veterans' court as some areas do. However, local judges are sensitive to the needs of vets who suffer post-traumatic stress disorder or other complications from combat duty that could get them in trouble with the law.

In his message to fellow veterans, Frank C. English, grand marshal of Albany Veterans' Day Parade, refers to a new concept known as VetTrak, describing it as what Albany County Judge Steve Herrick "likes to call the veterans-court-type vehicle." Herrick, along with DA David Soares, other judges and members of the veterans community, are working to set up VetTrak in Albany and other Capital Region counties, English said.

Veteran Larry Wiest, a retired Albany County assistant district attorney who has been active in a veterans' court concept, said Albany City Court judges Will Carter and Tom Keefe are also behind VetTrak. Rensselaer County is also planning a VetTrak program, he said.

Terry Kindlon, an attorney and Vietnam veteran, has praised the benefits of such a court.

English said "returning psychologically and neurologically wounded vets caught up in the criminal justice system would be diverted into VetTrak." There, an intensive counseling and treatment program would be set up by the court in partnership with the VA, and volunteer veterans would serve as mentors to help the vet navigate the process. The program would have to be approved by Justice George Ceresia, the district's administrative judge, and be sanctioned by the state Office of Court Administration.

#### Honored

The Capital Region Chapter of the New York Civil Liberties Union is honoring Robert Freeman, executive director of the state Committee on Open Government, and Carl Strock, columnist for the Gazette newspaper of Schenectady, on Thursday at its annual awards dinner at the Polish Community Center in Albany.

Freeman will receive the Ned Pattison Award for his work in co-authoring New York's pioneering Freedom of Information Law and for his years of advocating for open government. Strock will

receive the Carol S. Knox Award for being a "consistent champion of those victimized by government malfeasance, corruption and persecution."

#### Seminar

The Schenectady County Bar Association is sponsoring a seminar on matrimonial and family law Friday from 9 a.m. to 4:30 p.m. at Riverstone Manor in Glenville. State Supreme Court Justice Joseph Sise and a panel of attorneys and a psychologist will discuss the subject. For more information call 393-4115.