

## Military Leave "Butterbaugh" Claims

### What Is a Butterbaugh Claim?

Federal law provides federal employees with 15 days of annual paid leave for Reserve or National Guard training. In 2003, the U.S. Court of Appeals for the Federal Circuit ruled in *Butterbaugh v. Department of Justice*

that prior to 2000 the Office of Personnel Management improperly charged federal employees for military leave. Before 2000, when calculating the amount of military leave employees used, federal agencies counted days when the employees were not scheduled to work but would be at reserve training. Consequently, the employees' amount of used military leave was inflated, forcing them to more rapidly exhaust the statutorily allotted amount of military leave and dip into their vacation time or take unpaid leave to complete their military obligations. The 2003 *Butterbaugh*

case clarified that agencies should interpret the statute as allowing for 15 workdays – not non-workdays – of leave for military training. This case laid the foundation for a type of military leave claim referred to as a "Butterbaugh" claim, under which employees claim their agency denied them a benefit of employment because of their military duty in violation of the Uniformed Service Employment and Reemployment Rights Act (USERRA). **How We Can Help**

Tully Rinckey PLLC in Rochester, N.Y. is a pioneer in military leave "Butterbaugh" litigation. Tully Rinckey PLLC will advance the costs and expenses of litigation contingent on the outcome of the matter and, in the absence of you recovering an award or settlement, no fee will be charged. To learn whether you are eligible, please download and complete the below form. Contact us if you have any questions. The military law attorneys at Tully Rinckey PLLC in Rochester, N.Y. can represent service members throughout New York's Finger Lakes region, including Batavia, Geneseo, Rochester, Canandaigua, Albion, Waterloo, Lyons, Warsaw, and Penn Yan. To schedule a consultation with a military lawyer, call us at 585-492-4700 or e-mail at [info@1888law4life.com](mailto:info@1888law4life.com)

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to view a video about our consultation process.

For urgent legal matters, call us 24 hours a day, seven days a week at 518-727-3593. We are responsive to the needs of our current and prospective clients and will respond to phone calls within business hours.

We respond to e-mails within business hours on the same day. For the quickest response, call us.

During normal business hours, our client relations team can help put potential clients in contact with lawyers who can address their legal concerns. Anyone who calls or e-mails us after hours should expect to hear from us during the next business day.