

## **Guardman Wins \$2M in Post Office USERRA Case**

By Charlie Reed

A U.S. Postal Service employee who was fired for “excessive use of military service” when he tried to return to work after four years on active duty with the National Guard must be reinstated with over \$2 million in back pay, benefits and attorney fees, a judge ruled Tuesday.

The decision to fire Sgt. Maj. Richard Erickson in 2000 has been ruled a violation of the Uniformed Services Employment and Re-Employment Rights Act, or USERRA. The law prohibits civilian employers from terminating or otherwise penalizing part-time servicemembers who leave their jobs for military service for up to five years.

Garry Wade Klein, the administrative judge from the Merit Systems Protection Board, ruled Erickson must be reinstated and compensated no more than 60 days after the decision becomes final Jan. 14 pending no further legal action by USPS, which will have to follow the order even if it decides to appeal.

The legal proceedings have dragged on for years as USPS continued to pursue the case even after Erickson won two decisions before the U.S. Court of Appeals for the Federal Circuit.

When the USPS refused to reinstate Erickson in 2000, the father of three from Fort Meyers, Fla., re-enlisted in the National Guard and deployed to Afghanistan as part of a Special Forces team. He has received over 35 medals and decorations, including three combat distinguished valor awards and the Purple Heart.

The legal battle cost hundreds of thousands of dollars in legal bills for Erickson, though under USERRA, the USPS will pay his legal bills.

“For me, this case was a matter of principle,” Erickson said, according to a statement from his attorney. “I am a veteran and I was disgusted by the Postal Service’s callous actions.”

“The good news for other servicemen and women is that Erickson’s perseverance in this case not only afforded him his old job, back-pay and benefits, it has strengthened countless servicemembers’ rights under USERRA by setting judicial precedent.” said Greg T. Rinckey, Erickson’s attorney.