

Veterans Federal Employment Complaints Remain at Escalated Levels

Amid a dearth of job opportunities in the private sector, a shockingly high number of veterans last year continued to run into problems as they attempted to enter or reenter the federal civil service.

Recently released statistics show that the U.S. Merit Systems Protection Board in the 2010 fiscal year received 1,012 cases in which veterans accused the federal government of violating their rights under the Uniformed Services Employment and Reemployment Act (USERRA) and the Veterans Employment Opportunities Act (VEOA). Last year's tally of cases decided on by the independent, quasi-judicial agency represented a 5.6 percent decrease from the 2009 fiscal year's total. However, decisions stemming from USERRA and VEOA complaints remained far above the 533 the board reported for the 2008 fiscal year.

In its 2009 annual report, the board attributed the stark increase in USERRA and VEOA cases to the nation's continued engagement in major military conflicts and a lack of job opportunities in the private sector. The U.S. civilian labor force's unemployment rate last year hovered between 9.4 percent and 9.8 percent, according to the U.S. Bureau of Labor Statistics. And so long as these conditions remained, the board said it expected to see large numbers of veterans attempt to exert their USERRA and VEOA rights.

Under USERRA, service members who work for the federal government and are called on active duty have a right to their return to jobs. VEOA provides veterans with appointment preferences and job restoration rights in the federal civil service.

For the first time, the board broke down in its 2010 annual report the number of USERRA and VEOA decisions its regional and field offices issued during the fiscal year. Last year, the regional and field offices received and decided 730 USERRA appeals. However, 220 of these cases ended with dismissals. Out of the remaining 510 cases not dismissed, 90 percent of them resulted in settlements and the remaining 10 percent were decided by an administrative judge.

The regional and field offices received and decided 212 VEOA complaints, but 117 of them were dismissed. Out of the remaining 95 VEOA cases not dismissed, 22.1 percent of them resulted in settlements with the remaining decided by an administrative judge.

As these statistics show, almost one in three USERRA appeals were dismissed in the 2010 fiscal year. Just as it is important for veterans to exert their USERRA rights, it is equally important for veterans to be represented by an effective military law attorney.

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