

## Law Offers Protection

Victor Mederos of Shirley worked as a driver for the same trucking company for 20 years before he went to Iraq. When he returned, Quality King Trucking allowed him to go to regular counseling sessions.

But eight months after he came home, Mederos, a sergeant in the 69th Infantry of the Army National Guard, suffering from combat stress, got into a heated argument with a supervisor. When the supervisor slammed a door -- a move that "sounded like a gunshot" to Mederos -- he reacted as if he were back in the war zone and had to be restrained by other workers. Two days later, he was fired.

"I was in such shock that after 20 years they would fire me," he said. "I guess they felt I was a liability to them, but I feel I was mishandled."

Mederos, 48, didn't file a claim under the Uniformed Services Employment and Reemployment Rights Act, even though the act covers military reservists and National Guard members from being fired from their jobs in the months following active duty.

Mederos said he did not know what to do.

Experts said Mederos' story is not unusual. With four agencies handling USERRA cases, and layers of bureaucracy, many soldiers can't navigate the system, advocates said. Employers and employees sometimes don't know the details of the law, or how it is enforced, experts said.

In Mederos' case, Quality King Trucking general counsel Fred Poliani said the Ronkonkoma-based company did everything "in compliance with all of the applicable laws," but would not comment on the specifics of the case. "We feel we treated him very fairly," Poliani added.

Nationally, Labor Department figures show USERRA complaints have remained relatively stable since fiscal 2003 -- at a rate half of that during the first Persian Gulf conflict. In New York State, the number of claims filed through Labor have doubled -- from 27 in 2005 to 56 in 2006.

The Defense Department, which handles many initial complaints, is seeing different trends. Two years ago, 9,000 New York soldiers were deployed and the state's division averaged 40 claims a month. Now, it's seeing only four a month.

Many complaints, often filed when an employee was fired or denied a raise, are resolved by educating employers.

"Oftentimes, I only need to write a letter to the company, and they immediately correct their decision," said Albany lawyer Mathew Tully, who specializes in USERRA.

When an employer doesn't follow the law, federal officials can proceed with a case -- and sometimes see success.

Last month, the Justice Department settled with Five Star Janitorial Supply of Leesville, La., on allegations that it unfairly fired Samuel Ellias for attending a two-week training course with his National Guard unit. Ellias won back pay totaling \$2,500 plus lawyers' fees.

It took more than four years to settle Lt. Col. Michael McLaughlin's USERRA case. A Pennsylvania National Guardsman, he was fired in 2001 for attending a military training session. While the suit dragged on, McLaughlin was killed by a suicide bomb in Iraq in January 2006. His wife, Tamara, became the plaintiff in the case.

"The complaint process drags on so long that employees often wait nine months and then go to a lawyer anyway," Tully said.

Officials say they're trying to get better at processing cases. Said U.S. Office of Special Counsel head Scott J. Bloch: "We're not going to allow people to feel abandoned anymore."