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– For the third time in about a year, the elite and secretive United States Department of State Bureau of Diplomatic Security lost a legal battle pertaining to unlawful treatment towards military veterans. Given the size of the prestigious Diplomatic Security Corps, the volume of victorious claims of discrimination in such a short period of time on account of military service is unprecedented and monumental. Robert P. Isabella, a preference-eligible veteran, applied for the excepted service position of Diplomatic Security Service (DSS) Special Agent when he was 36 years old. The vacancy announcement stated that candidates must be appointed prior to their 37th birthday. Several months later, the agency eliminated Isabella from the selection process because of the fact he would soon reach the cut-off age. The federal law provides that a federal agency is required to waive a maximum age rule with respect to the hiring of a preference-eligible veteran unless the agency can establish that the age limit rule is essential to the performance of the position. Isabella challenged the actions of the State Department based on the Veterans Employment Opportunities Act (VEOA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA). With the counsel of well known Veterans' rights activist, radio talk show host, and attorney Mathew B. Tully, Isabella got the Merit Systems Protection Board to order the agency to waive the age limit and to process Isabella's application to completion, the Board ruled that it was insufficient to establish that the maximum entry age is essential to the performance of the duties of the position. Isabella's case resembles the case of Garcia v. Dept. of State, of which Tully was also counsel for the appellant and proved USERRA violations by the Department of State at the regional office level. In that case, an administrative law judge found that Special Agent Garcia's rights were violated under USERRA. Garcia had previously provided protective security to Secretary of State Rice. "Since General Powell left the State Department, I have seen a clear and unquestionable dramatic increase in discrimination against members of the National Guard and Reserve by political officials (non career foreign service officers) in the State Department," said Tully. "I guess the State Department got too military-friendly under General Powell and now the new guard with Secretary of State Rice at the head is hurting the careers of military members in apparent retaliation for their fast rise under General Powell. It is disgusting and unlawful." Tully is the founding partner of Tully Rinckey PLLC, a New York based full-service law firm, with offices in Washington, DC. He has appeared before both the Senate and House of Representatives in the past to talk about how federal agencies discriminate against members of the National Guard and Reserve. He is a veteran of Operation Iraqi Freedom and a retired Federal Law Enforcement Officer.