

## **Fort Bragg soldier wins settlement against U.S. Postal Service for wrongful termination**

By Drew Brooks Staff writer | Posted: Friday, January 10, 2014 6:56 am

A Fort Bragg soldier who lost his civilian job with the U.S. Postal Service more than a dozen years ago because of his military service has won a seven-year court battle against his former employer. Sgt. Maj. Richard Erickson, 50, could receive more than a million dollars in a settlement, officials said. Erickson said he lost his job in 2000 when the Postal Service fired him for taking too much time off for his military service. "I thought it was a joke," said Erickson, who now works for Army Special Operations Command at Fort Bragg. "I thought 'They can't do that.'" Last week, the Merit Systems Protection Board, a federal administrative body, agreed. The board denied an appeal by the Postal Service. Erickson was awarded reinstatement and back pay. The board ordered the Postal Service to give him his job back in Florida and pay other benefits. The expected seven-figure settlement won't be set for another few weeks, said Matt Estes, the lawyer who represented Erickson. Estes works for Tully Rinckey PLLC, a law firm in Washington, D.C. Estes said the decision to fire Erickson was clearly in violation of the federal law known as the Uniformed Services Employment and Reemployment Rights Act. He said companies often get away with violating the law because employees do not fight back. "It was very clear cut under the law," Estes said. "The issues were relatively simple." Employers need to be careful when they terminate an employee who is on military service," he said. "This reinforced it. This prevents employees from firing someone on military service." The Postal Service could not be reached for comment Thursday. Erickson was an Army veteran with seven years of active-duty service under his belt when he went to work at a post office in Fort Myers, Fla., in 1988. It was a steady, federal job in Erickson's hometown - a dream situation for a single father raising three daughters, he said. At the time, he was in the Army Reserve, but two years later, Erickson joined the National Guard. "I still wanted to serve my country in some capacity," he said. "That's where everything started." As a Green Beret, Erickson had obligations beyond the typical "one weekend a month, two weeks a year" of other National Guard soldiers, he said. In the 1990s, he was deployed during Operation Desert Storm, and on several other occasions to locations across the globe. During those deployments, Erickson said his supervisors at the Post Office treated his military service as a burden and said he needed to choose between the military and his postal career. "No matter what I did, the support just wasn't there," he said. "They gave me a hard time on everything." The dispute came to a head in 2000 when Erickson, who was then serving overseas, received the letter from the Postal Service informing him he was being fired. For the next several years, Erickson worked odd jobs to support his family. He also tried to fight his firing, but said he couldn't find a lawyer who would take his case without a hefty upfront fee. Eventually, Erickson returned to active duty and, in 2006, filed suit through Tully Rinckey PLLC, a veteran-owned law firm that agreed to take Erickson's case without payment. According to the law firm, the legal battle lasted more than 2,650 days - or more than seven years and three months. Officials with the firm said the case is one of the "most litigated

cases of military discrimination in federal government history."Since 2007, the case had bounced between the Merit Systems Protection Board and the U.S. Court of Appeals, with the latter twice remanding the case back to the lower court.It's unclear if the Postal Service will appeal the latest ruling.Erickson, though, said he's not sure if he could return to work at his hometown post office following his military service."If you fought somebody for 14 years, how would you feel?" he said.Erickson, who has earned a Purple Heart and other medals for his service in Afghanistan, said the victory is more important than the money he'll receive."I'm hoping my case sets the stage for others to follow," he said. "It's not about me. There's a lot of veterans out there who couldn't fight. This is to help them."