

Examples of OSC's USERRA Successes

- An Army officer who served in Iraq was offered his dream job as a federal Special Agent but could not report on the agency's preferred start date due to his military commitment. The agency withdrew the job offer, and the veteran spent several months unemployed and under-employed. Once OSC became involved, the veteran was re-offered the position and received back pay with interest after OSC successfully litigated his case.
- After a one-year deployment to Iraq, an Army Reservist attempted to resume his job as a federal contractor supporting a government agency. The agency indicated that it was satisfied with his replacement and would cancel the contract if the contractor attempted to reinstate him. OSC successfully litigated his case, holding the government liable for interfering with his reemployment rights under USERRA, and setting an important legal precedent in the process.
- During an investigation, OSC discovered that an agency regulation improperly discriminated against veterans by assigning a default performance rating to employees who were absent from work for extended periods. Because USERRA requires that employees who perform military service not be disadvantaged in their civilian jobs due to military duty, OSC objected to the regulation's application to veterans, which often had the effect of lowering performance ratings and bonuses. At OSC's request, the agency agreed to identify all employees who might have been adversely affected by the regulation and to take any necessary corrective action, including upgrading performance ratings and bonuses.
- After performing active duty, a Navy Reservist attempted to return to his civilian job, but his federal employer erroneously told him he had to wait an additional 30 days before returning. OSC intervened and the agency awarded him back pay and adjusted his personnel records to reflect an earlier return date. The veteran told OSC that the agency had made the same mistake with other Reservists and corrected the errors as a result of his case.

- A National Guardsman successfully applied for a position with a federal agency, and was given a start date. When he was mobilized with his unit before the start date, the agency withdrew its offer. Although the agency eventually hired him, it did not treat him as though he had been hired on the original start date. As a result, he lost seniority, pay, and career advancement. OSC represented him and negotiated a settlement under which he received all pay and promotions as if he had started on the original date and never left for military service.
- An Air Force officer was refused reemployment when he tried to return to his civilian job after an extended tour of duty. OSC represented him and obtained full corrective action, including back pay, reinstatement, and full restoration of seniority and benefits.
- A Reservist was dismissed from his federal employer's supervisory training program because his Reserve duties conflicted with part of the training schedule. The training program was important because it resulted in automatic promotion and related benefits. OSC filed suit and successfully obtained full relief for the Reservist, including a retroactive promotion with back pay upon completion of the training.
- A National Guard member successfully applied for a position as a firefighter with a federal agency, and the agency made his discharge or transfer out of the National Guard a condition of employment. The member refused to leave the Guard, and the agency withdrew the job offer. In addition, the agency identified other employees who were members of the National Guard or Reserve, and pressured them to transfer out their reserve assignments. After OSC became involved, the agency agreed to hire the National Guard member and to stop pressuring employees to leave their reserve assignments.