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## OSC Assists Service Member Denied Leave for Air Force Reserve Duty

### FOR IMMEDIATE RELEASE

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WASHINGTON, D.C./July 18, 2018 – The U.S. Office of Special Counsel (OSC), as part of its efforts to enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA), announced today that it successfully resolved a USERRA complaint on behalf of a service member.

Jerome Conway, a civilian Navy employee stationed in Singapore, requested to use paid “home leave” to perform Air Force Reserve duty in the domestic U.S. in summer, 2017. Employees stationed overseas are eligible for “home leave” under certain conditions, all of which Mr. Conway met. However, the Navy denied his request, arguing this type of leave is not intended to cover uniformed service. After the Navy denied Mr. Conway’s request, he was forced to use other types of leave to cover his Reserve duty. He also filed a USERRA complaint with the U.S. Department of Labor (DOL), which investigated and attempted to resolve his claim. When the Navy denied Mr. Conway any relief, DOL referred his claim to OSC.

Under USERRA, service members are not to be denied any benefit of civilian employment based on their service in uniform. OSC informed the Navy that its denial of “home leave” to Mr. Conway potentially violated USERRA because (1) he had met the eligibility requirements for its use and (2) its denial was based solely on the fact that he was using it to perform Air Force Reserve duty. The Navy agreed to retroactively award the requested “home leave” to Mr. Conway, and to adjust his pay records accordingly.

“OSC is committed to ensuring that service members employed by the federal government receive their full rights and benefits under USERRA,” **Special Counsel Henry J. Kerner** said. “We are pleased to have achieved a positive outcome for Mr. Conway.”

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*The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency. Our basic authorities come from four federal statutes: The Civil Service Reform Act, the Whistleblower Protection Act, the Hatch Act, and the Uniformed Services Employment & Reemployment Rights Act (USERRA). OSC’s primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing, and to serve as a safe channel for allegations of wrongdoing. For more information, please visit our website at [www.osc.gov](http://www.osc.gov).*