



U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

OSC Successfully Resolves Service Members' Employment Complaints

FOR IMMEDIATE RELEASE -- CONTACT: Ann O'Hanlon, (202) 254-3631; aohanlon@osc.gov

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The U.S. Office of Special Counsel (OSC) successfully obtained relief for service members in approximately 25 percent of all cases completed during fiscal year 2013 -- a high rate for federal employment cases -- under the Uniformed Services Employment and Reemployment Rights Act (USERRA). This period represents roughly the second year of OSC's three-year Demonstration Project, a program that expands OSC's role in protecting the employment rights of returning service members.

The first two cases below illustrate OSC's enforcement of the USERRA "escalator principle," which holds that service members should not be disadvantaged or denied advancement in their civilian careers due to military duty. The next two are discrimination cases in which service members initially lost job opportunities due to their military obligations.

- The position held by an Army police officer, who was also a member of the Army Reserves, changed while he was deployed, resulting in promotions for his colleagues. Upon his return from active duty, however, the reservist was neither put into the new position nor promoted. OSC intervened and the agency agreed to give the officer a retroactive promotion, provide him with the corresponding back pay, and place him in the correct position description and command structure with his colleagues.
- Upon an Air Force Reservist's return from active duty, the Department of Energy refused to promote her, after initially promising that it would. Management officials indicated that her absence for military service was the reason for this denial. OSC informed the agency of its obligations under USERRA. The Department of Energy then gave the reservist a retroactive promotion with corresponding back pay and reassigned her within the agency, enabling her to get the experience and training necessary for further promotion.
- A Marine deployed overseas was tentatively selected for a nuclear transport courier position with the Department of Energy. His tentative selection was withdrawn when he was unable to complete a required drug test within 30 days, due to his overseas deployment. OSC contacted the agency, which agreed to restore his tentative selection and to reschedule his drug testing so that he could proceed with the employment process.
- An Army officer received a tentative job offer for a Customs and Border Clearance Agent position with the Department of the Army in Vicenza, Italy. However, after he informed the agency that he was in the middle of a 10-month active duty deployment to Afghanistan, the Army rescinded the job offer. After OSC became involved, the agency extended a new employment offer.

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.