



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

## OSC Seeks Reemployment of Maine Postal Employee Removed from Job After Fulfilling Military Service

**FOR IMMEDIATE RELEASE**

**CONTACT: Jessica Hardin, (202) 804-7055; [jhardin@osc.gov](mailto:jhardin@osc.gov)**

WASHINGTON, D.C./March 14, 2018 – The U.S. Office of Special Counsel (OSC) today sought reinstatement of a United States Postal Service (USPS) employee who was removed from his job upon completing his military service. In a filing with the U.S. Merit Systems Protection Board (Board), OSC argues that the USPS's failure to reemploy John D. Patrie, a letter carrier in Auburn, Maine, upon fulfilling his duties in the Maine Air National Guard violated the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Via OSC's petition for corrective action, Mr. Patrie requested that the Board order USPS to comply with federal law, reinstate him retroactively, and compensate him for all lost wages and other benefits resulting from USPS's non-compliance.

According to the petition, Mr. Patrie served as both a letter carrier and service member for more than 14 years until his honorable discharge from the Maine Air National Guard in December 2015. After that, the petition states, the USPS refused to reinstate Mr. Patrie in his letter carrier position. As required by the statute, Mr. Patrie first took his claim to the U.S. Department of Labor (DOL), which investigated his claim and concluded that the USPS had violated USERRA. When the USPS refused DOL's request to reinstate Mr. Patrie, he sought OSC representation before the Board.

OSC's petition says Mr. Patrie met all of the requirements under USERRA to be eligible for prompt reemployment at the USPS. "Mr. Patrie sought to maintain his civilian employment relationship with the USPS as an 'unburned bridge' under USERRA that he could re-cross when he completed his military service," the petition states. "Indeed, the USPS treated Mr. Patrie as an employee throughout his military service and gave no indication that it no longer considered him an employee until after he exercised his reemployment rights under USERRA."

"The law is clear that military service and employment must be compatible," Special Counsel Henry J. Kerner said. "OSC will continue to pursue cases in which federal agencies fail to meet their obligations to employees who also serve in the military."

USERRA is a federal law, passed in 1994, that protects military service members and veterans from employment discrimination on the basis of their service and allows them to regain their civilian jobs following a period of uniformed service. It applies to members of the Armed Forces, Reserves, National Guard, and other "Uniformed Services" (including the National Disaster Medical System and the Commissioned Corps of the Public Health Service). USERRA applies to both public and private employers. OSC, in conjunction with the Department of Labor, investigates and enforces USERRA claims involving federal government employers. The Departments of Labor and Justice handle USERRA claims involving private employers as well as state and local governments. More information on USERRA is available [here](http://www.osc.gov/Pages/USERRA.aspx) or at <https://osc.gov/Pages/USERRA.aspx>.

\*\*\*

*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).*