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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK DIVISION**

ANTHONY D. JACKSON,

Plaintiff,

v.

UNION COUNTY COLLEGE,

Defendant.

Civil Action No. \_\_\_\_\_

JURY DEMAND

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, Anthony D. Jackson, by the undersigned attorneys, makes the following averments:

1. Plaintiff Anthony D. Jackson ("Jackson") resides at 151 Pemberton Avenue,

Plainfield, New Jersey 07018, within the jurisdiction of this Court. Defendant Union County College (“UCC”) maintains its principal place of business at 1033 Springfield Avenue, Cranford, New Jersey 07016, within the jurisdiction of this Court.

2. This is a civil action brought pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301 - 4333 (“USERRA”).

3. Defendant UCC is an employer within the meaning of 38 U.S.C. § 4303(4).

### **JURISDICTION AND VENUE**

4. This Court has jurisdiction over the subject matter of this action pursuant to 38 U.S.C. § 4323(b).

5. Venue is proper in this district under 38 U.S.C. § 4323(c)(2) and 28 U.S.C. § 1391(b) because Defendant Union County College maintains a place of business within this judicial district.

### **CLAIM FOR RELIEF**

6. Jackson joined the United States Naval Reserve (“USNR”) in 1992, and served in the USNR from 1992 to 2000. In 2000, Jackson transferred to the United States Air Force Reserve (“USAFR”), where he served from 2000 to 2002. In 2002, Jackson transferred to the USNR.

7. In 1994, Jackson began working for UCC as a Parking Lot Attendant. In 1995, Jackson applied for and received the position of Permanent Part-Time Security Officer, where he worked Saturday and Sunday nights.

8. In 1998, UCC appointed William Alder (“Alder”) to serve as its Director of Public Safety.

9. On or about June 11, 2001, Jackson sent a memorandum to Alder, notifying Alder that Jackson had been ordered to report for training at Sheppard Air Force Base. Jackson enclosed a copy of his official orders with this memorandum, along with a letter from his unit stating that Jackson was required to attend the training. The memorandum and accompanying documents were also provided to Ralph Velez (“Velez”), Associate Director of Public Safety for UCC; and Keith Troutman (“Troutman”), Patrol Supervisor for UCC, and Jackson’s immediate supervisor.

10. On or about June 18, 2001, Jackson reported for training at Sheppard Air Force Base. Jackson returned from training on or about August 12, 2001.

11. On or about August 14, 2001, Jackson spoke with Alder by telephone. Alder informed Jackson that Jackson would be suspended for two days without pay for reporting late to work on June 10, 2001.

12. Jackson was suspended without pay on August 18-19, 2001, and returned to work on August 25, 2001.

13. On or about August 15, 2001, while Jackson was speaking with him, Alder requested that Jackson provide him with a schedule listing Jackson’s USAFR duty dates until the end of his enlistment. At the time of this request, six years remained of Jackson’s service obligation. Jackson informed Alder that he could not comply with Alder’s request because the USAFR only provided him with schedules listing his duty dates for the coming year.

14. On or about August 15, 2001, Alder sent a letter to Jackson. In the letter, Alder directed Jackson to provide Alder with a copy of the written procedure that applied to Jackson’s USAFR scheduling obligation within thirty days. Alder directed that the procedure specify the

circumstances in which Jackson would report for duty with the USAFR, and whether Jackson had the option to decline without sanction any military duties that conflicted with Jackson's work assignment at UCC. Alder also ordered Jackson to include the name, rank, assignment, contact method, and location of the individual in authority that assigned Jackson to military duty. Alder additionally instructed Jackson to provide a copy of Jackson's USAFR wage and salary statement, in order that UCC could "insure that it is in compliance with its remunerations to you."

15. In response, Jackson provided Alder with a photocopy of his official USAFR duty schedule for the period of October 2001 through September 2002. The schedule listed the dates of Jackson's scheduled USAFR duty, as well as make-up dates. The schedule also contained the name, address, and contact information for Jackson's unit, along with the name, rank, and contact information for the commanding officer of Jackson's unit.

16. On or about October 18, 2001, Jackson was suspended without pay from his Permanent Part-Time Security Officer position at UCC. In a letter to Jackson dated October 18, 2001, Alder stated that Jackson was being suspended because he had failed to respond to Alder's August 15, 2001 letter regarding Jackson's "U.S. Air Force obligation." Alder also stated in the October 18 letter that "termination procedures" would follow.

17. On or about October 22, 2001, Jackson was ordered to active military duty for a period of one year, and was directed to report to his unit within twenty-four hours.

18. Upon receipt of his active military duty orders, Jackson telephoned Troutman, his immediate supervisor at UCC, and informed Troutman that he had been ordered to active military duty. Jackson then left a copy of his orders in Alder's inbox.

19. Jackson reported for active military duty on October 23, 2001.

20. On or about November 6, 2001, UCC discharged Jackson from his position at UCC, while Jackson was on active military duty.

21. In a letter dated November 6, 2001, Charles Buda ("Buda"), Director of Human Resources for UCC, stated that Jackson had failed to respond to Alder's request for a copy of the "written procedure" applying to Jackson's USAFR "scheduling obligation." Buda also stated that Jackson had not communicated with UCC following his suspension.

22. On or about August 17, 2002, Jackson returned from active military duty.

23. On or about August 26, 2002, Jackson telephoned UCC and spoke with Rosemary Mraz ("Mraz"), an employee in UCC's Human Resources Department. Jackson told Mraz that he was a returning veteran, and that he was ready to return to work. Mraz informed Jackson that he had been terminated in November 2001. Mraz read Jackson a memorandum from Jackson's file stating that Jackson was terminated because he had not responded to a request for orders from his USAFR unit.

24. UCC violated § 4311 of USERRA, among other ways, by suspending Jackson in October 2001, discharging him in November 2001, and failing promptly to reemploy Jackson upon his return from active military duty in August 2002, because of his membership in, or obligation to perform service in, the uniformed services.

25. UCC violated § 4316 of USERRA by, among other ways, discharging Jackson without cause in November 2001.

26. UCC's violations of USERRA were willful.

27. As a result of UCC's unlawful conduct against Jackson, Jackson has suffered loss of earnings and other benefits of employment.

**REQUEST FOR RELIEF**

WHEREFORE, Jackson requests that the Court enter judgment against Defendant, its officers, agents, employees, successors, and all persons in active concert or participation with it, as follows:

A. Declare that UCC's suspension of Jackson in October 2001 was unlawful and in violation of USERRA;

B. Declare that UCC's discharge of Jackson in November 2001 was unlawful and in violation of USERRA;

C. Declare that UCC's failure and refusal promptly to reemploy Jackson as a Permanent Part-Time Security Officer in August 2002 under the same terms and conditions that were in place prior to his suspension was unlawful and in violation of USERRA;

D. Declare that UCC's violations of USERRA were willful;


E. Order that Defendant fully comply with the provisions of USERRA, and pay Jackson for his loss of earnings and other benefits suffered by reason of Defendant's failure and refusal to comply with the provisions of this law;


F. Require that UCC pay Jackson as liquidated damages an amount equal to the amount of his lost earnings and other benefits suffered by reason of UCC's willful failure or refusal to comply with the provisions of USERRA;

G. Award Jackson prejudgment interest on the amount of lost compensation found due; and

H. Grant such other and further relief as may be just and proper.

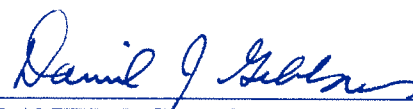
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