

UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA  
GRAND FORKS DIVISION

SUZANNE L. HALVERSON,

Plaintiff,

v.

GRAND FORKS COUNTY, NORTH DAKOTA,

Defendant.

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

Jury Trial Demanded

**COMPLAINT**

Plaintiff, Suzanne L. Halverson (“Halverson”), by the undersigned attorneys, makes the following averments:

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

**JURISDICTION AND VENUE**

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

3. Venue is proper in this district under 38 U.S.C. § 4323(c)(1) because defendant, Grand Forks County, North Dakota (“Grand Forks County”), is located within and exercises authority within this judicial district. Additionally, the Court has jurisdiction under 28 U.S.C. § 1391(b) because the events giving rise to this lawsuit occurred in this judicial district.

**PARTIES**

4. Halverson resides in Manvel, North Dakota, within the jurisdiction of this Court.

5. Grand Forks County is located within the jurisdiction of this Court and is an

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employer within the meaning of 38 U.S.C. § 4303(4)(A) .

CLAIM FOR RELIEF

6. On or about October 21, 2002, Halverson began work as a part-time Juvenile Detention Officer at the Grand Forks County Correctional Center (“Center”) in Grand Forks County, North Dakota.

7. On or about January 6, 2006, Halverson enlisted in the North Dakota Army National Guard (“Guard”).

8. Soon after joining the Guard, Halverson informed Bridgie Hansen (“Hansen”), the Juvenile Detention Administrator at the Center, of her enlistment and her upcoming training with the Guard.

9. In May 2006, Halverson learned that Hansen had promoted another part-time Detention Officer, Toni Kain (“Kain”), to the position of permanent part-time Juvenile Detention Officer. Kain had begun work as a part-time Juvenile Detention Officer at the Center after Halverson, in June 2004. This promotion provided Kain with increased pay, medical and retirement benefits, and the opportunity to work at least three eight-hour shifts a week at the Center.

10. Halverson attended Guard training from May 31, 2006 to August 11, 2006. After training, Halverson promptly returned to work at the Center.

11. In August 2006, Halverson asked Hansen why Kain had been promoted instead of her despite her greater experience. Hansen replied that Halverson would not have been available to take the permanent part-time position because she had been about to leave for Guard training, or words to that effect.

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12. In December 2006, Halverson informed Hansen that she would be attending Guard training beginning February 1, 2007. Halverson also gave Hansen a copy of her orders, which indicated that this training would last roughly sixteen weeks.

13. Before Halverson left for training, Sergeant Larry Ahles, the Juvenile Detention Supervisor at the Center, told Halverson that a full-time Juvenile Detention Officer position would soon become available.

14. On January 23, 2007, Halverson wrote Hansen a letter stating that she was interested in any full-time Juvenile Detention Officer position that became available while she was at Guard training.

15. On January 29, 2007, Hansen wrote to inform Halverson that a full-time Juvenile Detention Officer position had become available but that it would be filled by Kain. In this letter, Hansen also wrote, "There is a permanent part-time position coming available effective February 1<sup>st</sup> but you will be unavailable to fill this position and meet the scheduling needs at this time."

16. Halverson wrote to Hansen on January 31, 2007, to express her disappointment that she had not received the full-time Juvenile Detention Officer position. After reciting her credentials, Halverson wrote, "These assets cause me to believe that a motivating factor in my not being considered and placed in this [full-time] position was my military service." Halverson also reiterated her interest in the permanent part-time Juvenile Detention Officer position.

17. Halverson did not receive any response from Hansen to her letter of January 31, 2007. In late February 2007, Halverson called and left a message for Hansen asking about the permanent part-time Juvenile Detention Officer position. In response, she received a message

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from Hansen stating that the position had been filled.

18. Hansen promoted Jennifer Hines ("Hines") to permanent part-time Juvenile Detention Officer effective February 1, 2007. Hines had worked as a part-time Juvenile Detention Officer at the Center only since September 2005.

19. Halverson attended Guard training from February 1, 2007 to June 6, 2007.

20. On June 2, 2007, Halverson wrote Hansen a letter stating that her training would end June 6 and that she would be ready to return to work June 18.

21. On or about June 11, 2007, Halverson visited the Center to discuss returning to work with Hansen and Ahles. Hansen told Halverson that she could not work her desired number of shifts because most of the part-time officer shifts for the coming months had already been filled, but that they would schedule her in the few shifts that remained.

22. During this conversation on or about June 11, 2007, Hansen told Halverson that she would have to accept that she had not been chosen for the permanent part-time Juvenile Detention Officer position. Hansen complained that Halverson was regularly gone for months on end, though Halverson had only missed extended periods of work for Guard duty.

23. On June 18, 2007, Halverson returned to work at the Center as a part-time Juvenile Detention Officer.

24. In July 2008, Kain left the Center, and Hansen promoted Hines to full-time Juvenile Detention Officer.

25. On or about June 7, 2007, Halverson filed a complaint against Grand Forks County under USERRA with the Veterans' Employment and Training Services ("VETS") of the United States Department of Labor.

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26. Grand Forks County violated Section 4311 of USERRA, among other ways, by discriminating against Halverson by failing to promote her to the position of permanent part-time Juvenile Detention Officer effective February 1, 2007, based on her military service.

27. As a result of Grand Forks County's unlawful discrimination, Halverson has suffered the loss of promotions as well as earnings and other benefits of employment in an amount to be presented at trial.

PRAYER FOR RELIEF

WHEREFORE, Halverson prays that the Court enter judgment against Grand Forks County, its officers, agents, employees, successors and all persons in active concert or participation with it, as follows:

28. Declare that Grand Forks County's failure to promote Halverson was motivated by her military service and was therefore in violation of USERRA, 38 U.S.C. § 4311;

29. Order that Grand Forks County fully comply with the provisions of USERRA by offering to promote Halverson to full-time Juvenile Detention Officer, the position that she now would occupy had Grand Forks County not improperly denied her a promotion to permanent part-time Juvenile Detention Officer on February 1, 2007, and by paying Halverson all amounts due to her for loss of wages and benefits caused by Grand Forks County's violation of USERRA;

30. Enjoin Grand Forks County from taking any action against Halverson that fails to comply with the provisions of USERRA;

31. Declare that Grand Forks County's violations of USERRA were willful;

32. Award Halverson liquidated damages in an amount equal to the amount of lost wages and other benefits suffered by reason of Grand Forks County's willful violation of

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USERRA, pursuant to 38 U.S.C. § 4323(d)(1)(C);

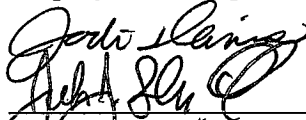
33. Award Halverson prejudgment interest on the amount of lost wages and other benefits found due; and

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

LORETTA KING  
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