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U.S. OFFICE OF SPECIAL COUNSEL WINS ANOTHER VICTORY FOR VETERANS' JOB RIGHTS UNDER USERRA

FOR IMMEDIATE RELEASE

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WASHINGTON, DC/October 22, 2010 – The U.S. Office of Special Counsel (OSC) today announced another victory for veterans' job rights under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), a federal law that prohibits employment discrimination against veterans and entitles them to reinstatement in their civilian jobs upon their return from duty.

In an Initial Decision, a U.S. Merit Systems Protection Board (MSPB) Administrative Judge ruled in favor of Felix J. Arroyo, an Army veteran whom OSC represented in a case against the U.S. Postal Inspection Service (PIS), and ordered the agency to pay damages to Mr. Arroyo.

In February 2005, Mr. Arroyo was offered a Criminal Investigator (Special Agent) position with PIS after an extensive application and selection process. He accepted the offer and was told to report to work for a training course beginning in April 2005. At the time, Mr. Arroyo was completing a seven-year career in the U.S. Army, including during Operation Iraqi Freedom and as a Special Agent in the Army's Criminal Investigation Division. When Mr. Arroyo informed PIS that he would be unable to report on its preferred starting date due to military duty, PIS withdrew its job offer. Mr. Arroyo subsequently received an honorable discharge from the Army but was unable to secure steady employment in the months following his release from active duty.

After Mr. Arroyo filed a USERRA complaint, OSC conducted an investigation and determined that PIS had violated USERRA by withdrawing its job offer to Mr. Arroyo. After PIS refused to settle Mr. Arroyo's complaint, OSC filed an action on his behalf before the MSPB.

USERRA is intended to ensure that those who serve our nation in the Armed Forces are not disadvantaged in their civilian careers due to their service. Under USERRA, an employer cannot deny initial employment based on an obligation to perform military service, whether voluntary or involuntary.

"OSC is committed to ensuring that the Federal government serves as a 'model employer' under USERRA, as Congress intended," Associate Special Counsel William E. Reukauf said. "We are pleased

that we were able to achieve a positive result for Mr. Arroyo, and we will continue to do the same for other veterans whose rights have been violated.”

The U.S. Office of Special Counsel (OSC) is an independent investigative and prosecutorial agency whose primary mission is to safeguard the merit system in federal employment by protecting federal employees and applicants from prohibited personnel practices, especially retaliation for whistle blowing. OSC also operates a secure channel for whistleblower disclosures and enforces the Hatch Act and the Uniformed Services Employment and Reemployment Rights Act. For more information please visit our web site at www.osc.gov or call 1-800-872-9855.