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OSC Wins Decision for National Guardsman Denied Reinstatement by Postal Service

FOR IMMEDIATE RELEASE

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WASHINGTON, D.C./April 25, 2019 – The U.S. Office of Special Counsel (OSC) today announced that it won a legal ruling forcing the U.S. Postal Service (USPS) to reinstate a National Guardsman in his civilian job following his post-9/11 military service. Under the Uniformed Services Employment and Reemployment Rights Act (USERRA), employers must restore service members to their jobs after they finish serving if they meet certain basic requirements.

John D. Patrie was working as a letter carrier at the Auburn, Maine post office when he was called to duty by the Maine Air National Guard immediately following the September 11, 2001, terrorist attacks. Until his honorable discharge in December 2015, Mr. Patrie served almost continuously on active duty in direct support of the Global War on Terrorism. During that time, he regularly provided copies of his orders to USPS, maintained his employment benefits, and expressed his desire to return to his postal job once his service ended. After Mr. Patrie notified USPS that he wished to return to his position in January 2016, USPS told him that it would not reinstate him because he had “abandoned” his civilian employment, even though he met all the law’s requirements.

After USPS denied him reinstatement, Mr. Patrie filed a complaint with the U.S. Department of Labor (DOL), whose investigation concluded that USPS violated USERRA. However, after USPS still refused to reinstate Mr. Patrie, DOL referred the matter to OSC for possible enforcement before the U.S. Merit Systems Protection Board (Board), which adjudicates employment claims against the federal government. OSC represented Mr. Patrie as his attorney and filed a petition for corrective action with the Board, which held an evidentiary hearing and found in his favor. In its initial decision, the Board ordered USPS to reinstate Mr. Patrie to his position retroactive to January 2016 and provide him with all associated back pay and benefits.

“We are very pleased to have won this victory not just for Mr. Patrie but for service members everywhere,” Special Counsel Henry J. Kerner said. “Our country must honor its commitments to those who serve in uniform and defend our freedoms.”

USERRA is a federal law, passed in 1994, that protects military service members and veterans from employment discrimination and allows them to regain their civilian jobs following periods of uniformed service. It applies to members of the Armed Forces, Reserves, and National Guard, among others, and covers both public and private employers. OSC, in conjunction with DOL, enforces USERRA claims involving federal government employers. The Department of Justice enforces USERRA claims involving private employers as well as state and local governments. More information about USERRA is [available here](#).

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.

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