

19 May 2015

The Honorable Richard Blumenthal
United States Senate
724 Hart Senate Office Building
Washington, DC 20510

Dear Senator Blumenthal:

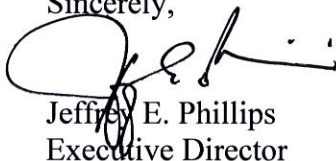
The Reserve Officers Association (ROA) supports the bill you sponsored to protect the rights of Guard and Reserve members under forced arbitration. This bill would eliminate the inequity for military members with respect to their employment and reemployment rights, by amending Title 38—Section 4303(2) of the United States Code to clarify the scope of the procedural rights of members of the uniform services.

Currently, the courts have interpreted that employed uniform members are not afforded procedural right protections under USERRA. Specifically, the courts' decisions in separate federal districts, indicates that legislative intent as determined from the committee reports, cannot establish procedural right protections in the area of employment and reemployment under USERRA. Furthermore, the courts' past decisions demonstrates that only substantive right protections can be interpreted through the language of the Act.

However, the original intent of the legislature was to provide both substantive and procedural right protections under USERRA. Vague language contained in the Act caused courts to deprive uniformed members of the procedural right protections that Congress intended to grant. Clarification of the rights and benefits is the appropriate approach to eradicating this issue, because it will allow the court to properly determine the Act's purpose, and grant uniformed members total protections as intended under the law.

ROA has a membership of more than 50,000, which represents all the uniformed services of the United States who would be favorably affected by your bill. Thank you for your efforts on this issue, and past support to the military. Please have your staff call Susan Lukas, ROA's legislative director, at 202-646-7713 or e-mail at slukas@roa.org with any question or issue you would like to discuss.

Sincerely,


Jeffrey E. Phillips
Executive Director