



September 20, 2016

Honorable Michael H. Michaud
Assistant Secretary for Veterans' Employment & Training
United States Department of Labor
200 Constitution Ave. NW
Washington, DC 20210

Dear Mr. Chairman:

Hope this letter finds you doing well, sir! I invite your attention to www.servicemembers-lawcenter.org, where ROA hosts more than 1500 "Law Review" articles about USERRA and other laws that are especially pertinent to those who serve our country in uniform, along with a subject index and search function. ROA initiated this column in 1997; these articles and this website might be of assistance to your organization's investigators.


Most of the articles were written by Capt. Samuel F. Wright, JAGC, USN (Ret.); he continues to write new articles for us. Captain Wright had a hand in the drafting of USERRA, enacted in 1994 to replace a 1940 law, when he worked for DOL as an attorney.

Law Review 16096 (unpublished draft enclosed) is about the case of Air National Guard Tech. Sgt. Kenneth Snyder, although Snyder's name is not in the article. Snyder alleged that his former employer (a political subdivision of Kansas) lied to DOL-VETS about the reasons for his firing, and that DOL-VETS conducted a slipshod investigation and accepted the employer's assertions at face value, finding "no merit" in a meritorious case. Snyder provided Wright documents he claims support his allegations, and I am enclosing selected portions of them. I can provide you all the documents Snyder provided us.

We recognize that the Snyder case cannot be reopened because of the legal doctrine of *res judicata*—"the thing has been adjudicated." After DOL-VETS closed his case, Snyder retained a lawyer and sued his former employer. He ran out of money to pay ongoing court costs, and he settled the case for a pittance. He is bound by the settlement, and the case cannot be reopened. Nonetheless, perhaps DOL-VETS could review the materials that Snyder has provided with a view toward exploring potential process reforms.

Having come to know and deeply respect you, I thought a case such as this might be of use in connection with what I know is your intent to further equip DOL-VETS to fulfill its purpose. Accordingly, as a courtesy to you, and because we want your input, I am enclosing a *draft* of Law Review 16096. This article will likely be added to our website in early October, but is still subject to revision. If you would like to discuss this or any other matter, I welcome your call at (202) 646-7701 or e-mail at Jphillips@roa.org; I would be happy to come by your office and say hello any time!

Very respectfully,


Jeffrey E. Phillips
Executive Director

Thanks for your leadership!

Encl.