

My Professional License Has Expired—Part 2

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9.0—Miscellaneous

In Law Review 171 (May 2005), I addressed the problem faced by a Reservist who is a licensed real estate agent. He was mobilized, and his state license expired while he was on active duty. The expiration of his license significantly delayed resumption of his profession after he returned from military service and thereby caused financial hardship.

Professional licensure of physicians, dentists, lawyers, real estate agents, cosmetologists, and the like is a matter of state law, not federal law. Several states have addressed this issue since Sept. 11, 2001, with a view toward mitigating hardships faced by licensed professionals who are members of the National Guard or Reserve. Nonetheless, this remains a significant problem. I have heard from several ROA members facing problems of this kind after returning from mobilization.

¹I invite the reader's attention to <https://www.roa.org/page/LawCenter>. You will find more than 2000 "Law Review" articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers Civil Relief Act (SCRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Uniformed Services Former Spouse Protection Act (USFSPA), and other laws that are especially pertinent to those who serve our country in uniform. You will also find a detailed Subject Index, to facilitate finding articles about specific topics. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997.

²BA 1973 Northwestern University, JD (law degree) 1976 University of Houston, LLM (advanced law degree) 1980 Georgetown University. I served in the Navy and Navy Reserve as a Judge Advocate General's Corps officer and retired in 2007. I am a life member of ROA. For 43 years, I have worked with volunteers around the country to reform absentee voting laws and procedures to facilitate the enfranchisement of the brave young men and women who serve our country in uniform. I have also dealt with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Veterans' Reemployment Rights Act (VRRRA—the 1940 version of the federal reemployment statute) for 36 years. I developed the interest and expertise in this law during the decade (1982-92) that I worked for the United States Department of Labor (DOL) as an attorney. Together with one other DOL attorney (Susan M. Webman), I largely drafted the proposed VRRRA rewrite that President George H.W. Bush presented to Congress, as his proposal, in February 1991. On 10/13/1994, President Bill Clinton signed into law USERRA, Public Law 103-353, 108 Stat. 3162. The version of USERRA that President Clinton signed in 1994 was 85% the same as the Webman-Wright draft. USERRA is codified in title 38 of the United States Code at sections 4301 through 4335 (38 U.S.C. 4301-35). I have also dealt with the VRRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as an attorney for the Department of Defense (DOD) organization called Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), as an attorney in private practice, and as the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA, for six years (2009-15). Please see Law Review 15052 (June 2015), concerning the accomplishments of the SMLC. My paid employment with ROA ended 5/31/2015, but I have continued the work of the SMLC as a volunteer. You can reach me by e-mail at SWright@roa.org.

Section 516 of the National Defense Authorization Act (NDAA) for Fiscal Year 2008 directs the Government Accountability Office (GAO) to conduct a study of the requirements for National Guard and Reserve members to maintain licensure or certification while on active duty for extended periods. The study is to determine mechanisms that would provide relief for mobilized Reserve Component members. GAO is to report to the House Armed Services Committee and Senate Armed Services Committee by April 2008.

In my experience, GAO generally does thorough investigations, writes cogent reports, and meets congressional deadlines. ROA looks forward to reviewing the GAO report when it is completed and then to working on state and federal statutory or regulatory fixes to this problem. In the meantime, this is a good issue for ROA departments to take up at the state level. The mobilized Reservist serving in Iraq should not have to worry about the expiration of his or her professional license back home.

To review the report see <https://www.gao.gov/assets/gao-08-790r.pdf>.