LAW REVIEW 16043[1]
May 2016

You Must Keep Track of your own Five Year Limit

By Captain Samuel F. Wright, JAGC, USN (Ret.)[2]

Update on Sam Wright

1.1.3.2—USERRA applies to regular military service
1.3.1.2—Character and duration of service
1.3.2.3—Pension credit for service time

Under the Uniformed Services Employment and Reemployment Rights Act (USERRA),[3] a person has the right to reemployment in a civilian job after uniformed service if he or she meets five simple conditions:

a. Must have left a civilian job (federal, state, local, or private sector) for the purpose of performing voluntary or involuntary uniformed service.
b. Must have given the employer prior oral or written notice.
c. Must not have exceeded the cumulative five-year limit on the duration of the period or periods of uniformed service, relating to reemployment. This article is about the five-year limit and its exemptions.
d. Must have been released from the period of service without having received a disqualifying bad discharge from the military.

---

[1] I invite the reader's attention to www.servicemembers-lawcenter.org. You will find more than 1500 "Law Review" articles about laws that are especially pertinent to those who serve our country in uniform, along with a detailed Subject Index and a search function, to facilitate finding articles about very specific topics. The Reserve Officers Association (ROA) initiated this column in 1997. I am the author of more than 1300 of the articles.

[2] BA 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 and retired in 2007. I am a life member of ROA. For six years (2009-15), I served as the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA. Please see Law Review 15052 (June 2015), concerning the accomplishments of the SMLC. I have been dealing with the federal reemployment statute for 34 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 1994 rewrite of the 1940 reemployment statute. I have also dealt with this statute as a judge advocate in the Navy and Navy Reserve, as an attorney for the Department of Defense organization called Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), and as an attorney in private practice, at Tully Rinckey PLLC (TR). After ROA disestablished the SMLC last year, I returned to TR, this time in an "of counsel" role. To arrange for a consultation with me or any TR attorney, please call Ms. JoAnne Perniciaro (TR's Client Relations Director) at (518) 640-3538. Please mention Captain Wright when you call.

[3] Congress enacted USERRA (Public Law 103-353) and President Bill Clinton signed it into law on 10/13/1994, as a complete rewrite of the Veterans' Reemployment Rights Act (VRRA), which was originally enacted in1 1940. Please see Law Review 15067 (August 2015) for a detailed history of the reemployment statute. USERRA is codified in title 38 of the United States Code at sections 4301 through 4335 (38 U.S.C. 4301-35).

e. Must have made a timely application for reemployment, after release from the period of service.

At our website,[4] you will find scores of articles on each of these five conditions, and a detailed Subject Index and a search function to help you find those articles. In this article, I deal exclusively with the five-year limit and its exemptions—kinds of service that do not count toward exhausting your limit. Section 4312(c) of USERRA sets forth the five-year limit as follows:

> Subsection (a) [the right to reemployment] shall apply to a person who is absent from a position of employment by reason of service in the uniformed services if such person's *cumulative period of service in the uniformed services, with respect to the employer relationship for which the person seeks reemployment,* does not exceed five years, *except* that any such period of service [counting toward the five-year limit] shall not include any service—
>
> (1) that is required, beyond five years, to complete an initial period of obligated service;
>
> (2) during which such person was unable to obtain orders releasing such person from a period of service in the uniformed services before the expiration of such five-year period and such inability was through no fault of such person;
>
> (3) performed as required pursuant to section 10147 of title 10, under section 502(a) or 503 of title 32, or to fulfill additional training requirements determined and certified in writing by the Secretary concerned, to be necessary for professional development, or for the completion of skill training or retraining;
>
> (4) performed by a member of a uniformed service who is—
>
> (A)ordered to or retained on active duty under section 688, 12301(a), 12301(g), 12302, 12304, 12304a, 12304b, or 12305 of title 10 or under section 331, 332, 359, 360, 367, or 712 of title 14;
>
> (B)ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency, *as determined by the Secretary concerned;*
>
> (C)ordered to active duty (other than for training) in support, *as determined by the Secretary concerned,* of an operational mission for which personnel have been ordered to active duty under section 12304 of title 10;
>
> (D)ordered to active duty in support, *as determined by the Secretary concerned,* of a critical mission or requirement of the uniformed service;
>
> (E)called into Federal service as a member of the National Guard under chapter 15 of title 10 or under section 12406 of title 10;
>
> (F)ordered to full-time National Guard duty (other than for training) under section 502(f)(2)(A) of title 32 when authorized by the President or the Secretary of Defense

[4] www.servicemembers-lawcenter.org.

> for the purpose of responding to a national emergency declared by the President and supported by Federal funds, *as determined by the Secretary concerned.*[5]

Let us discuss separately each of the exemptions to the five-year limit.

The five-year limit is cumulative with respect to the employer relationship for which the person seeks reemployment.

Alice Adams, a Coast Guard Reservist, has exhausted four years of her five-year limit while employed by the ABC Corporation. She resigns her job at ABC and takes a new job at the XYZ Corporation. Alice has a new employer relationship with a new employer, and she has a fresh five-year limit at the new company.

For purposes of the five-year limit, the Federal Government is a unitary employer. Bob Barnes, an Army Reservist, has used up four years of his five-year limit while employed by the United States Department of the Interior. He leaves his Interior Department job to take a new job at the Department of Commerce, and he takes his federal seniority and pension credit with him to the new job. Bob does not get a fresh five-year limit.

When there is a successor in interest situation, the employee has a continuing employer relationship with the successor employer, and the individual does not receive a fresh five-year limit. For example, Charlene Cox was an airline pilot at Northwest Airlines when she left her job for three years of active duty in the Navy. While she was on active duty, Northwest Airlines was taken over by Delta, and Delta is the successor in interest to Northwest. Charlene applies for reemployment at Delta. She has the right to reemployment at Delta, assuming that she meets the five USERRA conditions. This three-year period of active duty counts toward her five-year limit at Delta, unless it is exempt under one of the rules discussed below. Similarly, any earlier non-exempt uniformed service periods that Charlene performed while employed by Northwest will count toward her five-year limit at Delta.

Cumulative period of service, not the period of absence from the civilian job, is subject to the five-year limit.

David Davis left his job with the City of Mudville to enlist in the Regular Army.[6] He gave proper notice to his supervisors and the city's personnel department, and he left his job on September 15, 2010 to report to basic training on October 1. He then served on active duty for exactly five

[5] 38 U.S.C. 4312(c) (emphasis supplied).

[6] Yes, USERRA applies to persons who perform regular military service, as well as persons who perform service in the National Guard or Reserve. Please see Law Review 0719 (May 2007).

years, from October 1, 2010 to September 30, 2015. Let us assume that none of this five-year period was exempt from USERRA's five-year limit.

After David left active duty on September 30, he waited 75 days to apply for reemployment at the City of Mudville.[7] The city's personnel director denied David's application for reemployment on the grounds that he has been away from his civilian job for more than five years. The personnel director is wrong. It is David's period of uniformed service (not the period of his absence from the job) that is subject to the five-year limit. The 15-day period (between when David left his job and when he reported to basic training) and the 75-day period (while David waited to apply for reemployment after release from service) do not count toward David's five-year limit. David's period of service does not exceed the five-year limit. He has the right to reemployment, assuming of course that he meets the other four USERRA conditions.

Initial active service obligation

Earnestine Evans left her job with the State of Texas to enlist in the Navy and entered active duty on October 1, 2009. Because she chose the Navy's nuclear power program, her initial period of obligated active duty was six years. She served on active duty for exactly six years, from October 1, 2009 until September 30, 2015. She made a timely application for reemployment a few days later. The personnel office claims that she is not entitled to reemployment because her period of service was in excess of five years.

The personnel office is wrong. Under section 4312(c)(1), the period of her initial period of obligated service, beyond five years, is exempt from the five-year limit. Earnestine has the right to reemployment, assuming of course that she meets the other four USERRA conditions.

Unable to obtain orders releasing the person from active duty before the expiration of the five-year limit

Frank Fox also worked for the State of Texas when he enlisted in the Navy and reported to basic training on October 1, 2010. His initial period of obligated active duty was five years, expiring September 30, 2015. In September 2015, as his projected date of release from active duty was approaching, he was serving on a ship in the Persian Gulf. Under these circumstances, the Navy involuntarily extended Frank's active duty period for one month, until the ship on which he was serving returned to its home port in Norfolk, Virginia.[8] Frank was released from active duty on November 1, 2015, and he applied for reemployment with the State of Texas a few days later.

---

[7] After a period of service of 181 days or more, the returning veteran has 90 days to apply for reemployment. 38 U.SC 4312(e)(1)(D).

[8] Under these circumstances, the senior officer present afloat has the authority to extend the service member's active duty period until the vessel returns to the United States. *See* 10 U.S.C. 5540(a).

The personnel office claims that Frank does not have the right to reemployment because his period of active duty exceeded five years.

The personnel office is wrong. Frank was unable (through no fault of his own) to obtain orders releasing him from active duty before the expiration of his five-year limit. Under section 4312(c)(2), the one-month extension of his active duty does not cause him to lose the right to reemployment.

Reserve Component training does not count toward the five-year limit.

Geraldine Goff is a Major in the Air Force Reserve and is employed by the State of California. As provided by 10 U.S.C. 10147, she performs a weekend of inactive duty training (drills) each month and two weeks of annual training each year. Under section 4312(c)(3), these military training periods do not count toward Geraldine's five-year limit.

In recent years, and especially after 9/11/2001, Reserve Component (RC) training is no longer limited to the traditional pattern of "one weekend per month and two weeks annual training." Inactive duty training can be conducted on any day of the week. Geraldine's civilian job is protected even if her military training exceeds the traditional pattern, and this military training does not count toward her five-year limit.

Geraldine is selected to attend the residential (full-time) Air War College (AWC) course, lasting one year. The Secretary of the Air Force has determined that AWC attendance by Air Force Reserve officers is necessary for professional development. Accordingly, this one-year period does not count toward Geraldine's five-year limit, under section 4312(c)(3).

Geraldine's AWC orders should contain the "magic words" to the effect that the Secretary of the Air Force has determined that AWC attendance is necessary for professional development. Geraldine needs the magic words in her orders in order for the period to be excluded from the computation of her five-year limit. Geraldine does not need magic words in her orders for periods of inactive duty training or annual training.

If you are involuntarily called to active duty, the period of involuntary service does not count toward your five-year limit.

Under section 4312(c)(4)(A), if you are *involuntarily retained on or recalled to active duty,* under section 688, 12301(a), 12302, 12304, 12304a,[9] 12304b, or 12305 of title 10, the period of

[9] In 2011, Congress amended title 10, adding two new sections providing for Reserve Component members to be called to active duty involuntarily. These are sections 12304a and 12304b. Congress did not amend USERRA in 2011, to include these two new sections providing for involuntary call-up to the list of sections that are exempt

involuntary active duty does not count toward your five-year limit. Similarly, if a Coast Guard reservist or retiree is involuntarily called to or retained on active duty, under section 331, 332, 359, 360, 367, or 712 of title 14, that involuntary service period does not count toward your five-year limit.

For example, Harvey Harrison is a petty officer in the Coast Guard Reserve. He was involuntarily called to active duty for several months in the summer and fall of 2010, as part of the response to the Deepwater Horizon environmental disaster in the Gulf of Mexico. That period of involuntary active duty does not count toward Harvey's five-year limit.

Voluntary active duty under 10 U.S.C. 12301(d) is not exempted from the five-year limit.

Please note that section 4312(c)(4)(A) exempts from the five-year limit duty performed under section 12301(a) of title 10 (involuntary active duty), but section 12301(d) is not mentioned in section 4312(c)(4)(A). *Duty performed under section 12301(d) normally counts toward the five-year limit, because such duty is voluntary.* Section 12301(d) provides:

> At any time, an authority designated by the Secretary concerned may order a member of a reserve component under his jurisdiction to active duty *with the consent of that member.* However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the governor or other appropriate authority of the State concerned.[10]

Voluntary active duty under section 12301(d) can be exempted from the five-year limit under one of the subsections of section 4312(c) discussed below. If your orders cite section 12301(d), you should assume that the period of service will count toward your five-year limit service from your five-year limit, unless there are magic words in your orders indicating that the Service Secretary has determined that the period of service called for in the orders will not count toward your five-year limit.

Time spent in a captive status does not count toward the five-year limit.

Section 4312(c)(4)(A) provides that when a person has been ordered to active duty under 10 U.S.C. 12301(g), that period does not count toward the five-year limit. Section 12301(g) provides, in pertinent part, as follows:

> A member of a reserve component may be ordered to active duty without his consent if the Secretary concerned determines that the member is in a captive status. A member

---

from the five-year limit. Congress corrected that glitch in 2015. Section 562 Of Public Law 114-92 added sections 12304a and 12304b to the list of exempt sections.

[10] 10 U.S.C. 12301(d) (emphasis supplied).

> ordered to active duty under this section may not be retained on active duty, without his consent, for more than 30 days after his captive status is terminated.[11]

For example, let us assume that Iris Indigo, a member of the Army National Guard, is called to active duty (along with her unit) and deployed to Afghanistan for one year. She is serving at a forward operating base that is overrun by enemy forces. She is missing and presumed to be held captive by the enemy. At the end of the one-year call-up, the other members of the National Guard unit return home and are released from active duty, but Iris is retained on active duty under section 12301(g).

Six years later, Iris is miraculously located and rescued by Navy SEALs. She returns home and is released from active duty, after debriefing and medical treatment, and she makes a timely application for reemployment at Archie Bunker's Place, the bar in Queens, New York where she had been employed as a bartender before she was called to active duty. Iris has the right to reemployment, assuming of course that she meets the other four USERRA conditions. The six years that she was held captive do not count toward her five-year limit.

Voluntary active duty periods can be excluded from the five-year limit under section 4312(c)(4)(B), 4312(c)(4)(C), or 4312(c)(4)(D).

Under section 4312(c)(4)(B), a period of voluntary active duty is excluded from the computation of the individual's five-year limit if the Secretary concerned has determined that the individual was "ordered to or retained on active duty (other than for training) under any provision of law *because of* a war or national emergency declared by the President or Congress."[12] It is not sufficient that the period of service was performed *during* a period of war or national emergency.[13] The Secretary concerned (the Service Secretary) must determine that the person was ordered to or retained on active duty because of the war or emergency. There must be evidence that the Secretary has made such a determination. Normally, the evidence is in magic words in the orders, referring to such a determination by the Service Secretary. Alternatively, the magic words can be contained in the DD-214 that the service member receives upon release from the period of service.

Similarly, section 4312(c)(4)(C) provides that a period of voluntary active duty can be excluded from the computation of the five-year limit if the Secretary concerned has determined that the individual was "ordered to active duty (other than for training) in support … of an operational mission for which personnel have been ordered to active duty under section 12304 of title

[11] 10 U.S.C. 12301(g)(1).
[12] 38 U.S.C. 4312(c)(4)(B) (emphasis supplied).
[13] In 1996, Congress amended section 4312(c)(4)(B), substituting "because of a war or national emergency" for "during a war or national emergency." Public Law 104-275, section 311(a).

10."[14] Section 4312(c)(4)(D) provides that a period of voluntary active duty can be excluded from the five-year limit if the Secretary concerned has determined that the individual was "ordered to active duty in support … of a critical mission or requirement of the uniformed services."[15] The same rules about magic words apply.

When National Guard members are called to federal active duty in case of invasion or insurrection, that service does not count toward the five-year limit.

Section 4312(c)(4)(E) exempts service performed by National Guard members who are "called into Federal service as a member of the National Guard under chapter 15 of title 10 or section 12406 of title 10."[16] This refers to calling National Guard members to federal active duty in case of invasion or insurrection. This authority is used very infrequently, but it was used in 1992, in response to the Rodney King riots in Los Angeles.

Certain full-time National Guard duty can be exempted from the five-year limit.

Under section 4312(c)(4)(F), service performed by a member of the Army National Guard (ARNG) or the Air National Guard (ANG) can be exempted from the computation of the five-year limit if the member was:

> ordered to full-time National Guard duty (other than for training) under section 502(f)(2)(A) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds, as determined by the Secretary concerned.[17]

This is the most recent exemption from the five-year limit. Congress added subsection (F) in 2011.[18]

For example, Joe Jones is a Major in the ANG and is performing full-time National Guard duty under 32 U.S.C. 502(f)(2)(A). If the Secretary of the Air Force makes the necessary determination, and if that determination is shown in Joe's orders or his DD-214, this period of service will not count toward Joe's five-year limit.

In Law Review 1227 (March 2012), I wrote: "The National Guard Bureau is working on procedures to implement this new subsection." Unfortunately, that work is not yet complete.

---

[14] 38 U.S.C. 4312(c)(4)(C).
[15] 38 U.S.C. 4312(c)(4)(D).
[16] 38 U.S.C. 4312(c)(4)(E).
[17] 38 U.S.C, 4312(c)(4)(F).
[18] Section 575(3) of Public Law 112-81.

State active duty performed by ARNG and ANG members does not count toward the five-year limit.

Members of the ARNG and ANG have a hybrid federal-state status. They perform federally funded training duty under title 32 of the United States Code, and they are subject to involuntary call to federal active duty under title 10, or they can volunteer for title 10 duty. USERRA protects the civilian jobs of National Guard members when they perform voluntary or involuntary training or duty under title 10 or title 32.

ARNG and ANG members are also subject to being called by the Governor for state active duty. This is duty under state authority, paid with state funds, for state emergencies like riots, fires, hurricanes, etc. USERRA does not apply to state active duty, and time spent on state active duty does not count toward USERRA's five-year limit.[19]

Active duty performed to mitigate damages does not count toward the five-year limit.

Katy Karter, a Coast Guard Reservist, left her job at Daddy Warbucks International (DWI) for exactly five year of active duty. She has not exceeded the five-year limit, but she has exhausted every day of the limit, with respect to her employer relationship with DWI. She left active duty and made a timely application for reemployment at DWI. Although Katy clearly met the five USERRA conditions, DWI unlawfully denied her application for reemployment.

Under USERRA or any employment discrimination law, the plaintiff has a duty to mitigate damages. In order to mitigate her damages, and also because she needed a regular income, Katy solicited from the Coast Guard the opportunity to return to active duty for one more year. At the end *of that year, she left active duty again and made a new application* for reemployment at DWI, which the company again denied. Katy then sued DWI. The company defended, claiming that Katy's additional year of active duty put her over the five-year limit.

DWI is wrong. Under these circumstances, the additional year of active duty does not count toward Katy's five-year limit.[20]

Military service performed before the enactment of USERRA

---

[19] Every state has a state law that protects National Guard members on state active duty, but some of these laws are much better than others. Please see the "State Leave Laws" section of our website, www.servicemembers-lawcenter.org. You will find 54 articles on these state laws, for 50 states, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands.

[20] *See* 20 C.F.R. 1002.103(b).

As I have explained in Law Review 15067 (August 2015) and other articles, Congress enacted USERRA in 1994, as a long-overdue rewrite of the Veterans' Reemployment Rights Act (VRRA), which was originally enacted in 1940. It is unlikely but not impossible that an individual could have military service before and after the enactment of USERRA and that all of this military service could relate to the same employer relationship. Please see Law Review 201 (August 2005) for a discussion of the treatment of pre-USERRA military service for purposes of USERRA's five-year limit.

Who is the "Secretary concerned?" Who has the authority to make determinations that result in exempting a period of service from the five-year limit?

Subsections 4312(c)(3), 4312(c)(4)(B), 4312(c)(4)(C), 4312(c)(4)(D), and 4312(c)(4)(F) refer to determinations made by the "Secretary concerned." The Secretary concerned is the Service Secretary—the Secretary of the Air Force, the Secretary of the Army, or the Secretary of the Navy.[21] For the Coast Guard, the Secretary concerned is the Secretary of Homeland Security. For the Public Health Service, the Secretary concerned is the Secretary of Health and Human Services.

In the Air Force, the Army, the Navy, and the Marine Corps,[22] the authority to make these determinations has been delegated to the Assistant Secretary for Manpower and Reserve Affairs of the military department. For the Coast Guard, the authority has been delegated to the Commandant of the Coast Guard.

These determinations are normally made for broad classes of service members or categories of military training or service. As a matter of good practice, and to protect the rights of the individual service member, the "magic words" in an individual's military orders or his or her DD-214 should refer to a specific document signed by the Service Secretary or Assistant Secretary or the Commandant.

Don't get into an argument with your employer about whether a period of service counts or does not count toward the five-year limit, at least not until you are ready to leave active duty and apply for reemployment.

Larry Lasso, a Sergeant in the Army Reserve, left his job at the Ponderosa Ranch when he was involuntarily called to active duty for one year. He gave prior notice to Ben Cartwright, the owner-operator of the ranch. At the end of the year, Larry agreed to remain on active duty,

[21] 10 U.S.C. 101(a)(9).
[22] The Marine Corps is part of the Department of the Navy.

voluntarily, for an additional two years. Larry notified Ben of the extension by e-mail and followed up with a certified letter.

Ben responded with a detailed letter drafted by his lawyer, demanding to see a copy of Larry's new orders and demanding to know if this new period counts or does not count toward the five-year limit and demanding to have a specific date when Larry will return to work at the ranch. How should Larry respond to these demands?

Larry was required to give the employer prior notice when he left his job to go on active duty, but he was not required to notify the employer of an extension of the active duty period.[23] Nonetheless, I think that it was prudent and polite for Larry to notify Ben of the extension.

Larry is not required to provide any documentation to Ben, nor is he required to predict that he will return and seek reemployment at the ranch. Even if he says (orally or in writing) that he will not return, that will not defeat his right to reemployment, assuming that he meets the five USERRA conditions when he does ultimately seek reemployment.[24]

I suggest that Larry respond with a polite letter to Ben, stating that the issue of whether the new two-year period of service counts or does not count toward the five-year limit can be resolved if and when Larry leaves active duty and seeks reemployment. This is a common scenario about which I am asked frequently.

There is no point in there being an argument at this time on the five-year question. Larry could remain on active duty many more years and clearly exceed the five-year limit even if the current period is exempt. Larry could do something very stupid and receive an unfavorable discharge that disqualifies him from reemployment under section 4304 of USERRA.[25] Larry could get a great job offer elsewhere and choose not to seek reemployment, or Larry could win the Publisher's Clearinghouse Sweepstakes and retire. Larry could die, God forbid. There is just no point in an argument about the limit unless and until Larry leaves active duty and applies for reemployment.

You need to keep track of your own five-year limit.

If you want to maintain the option of reemployment at your pre-service job, you need to keep track of your five-year limit—how much of the limit have you exhausted and how much head room do you have remaining? Do not expect your civilian employer, your service, Employer Support of the Guard and Reserve (ESGR), or the Department of Labor to track this for you.

---

[23] *See Sutton v. City of Chesapeake,* 713 F. Supp. 2d 547 (E.D. Va. 2010).
[24] 20 C.F.R. 1002.88.
[25] 38 U.S.C. 4304.

As I have explained in multiple articles, you are entitled to pension and seniority credit in the civilian job *upon reemployment under USERRA.* If you are within the five-year limit (crediting the exemptions that may be applicable), and if you meet the other four USERRA conditions, the employer must treat you as if you had been continuously employed during the entire time that you were away from work for uniformed service. The employer may be required to make tens of thousands of dollars of make-up contributions to your defined contribution plan pension account. If you are beyond the five-year limit, or if you fail to meet one of the other USERRA conditions, the employer has no obligation to reemploy you. Even if the employer chooses to rehire you, the employer has no obligation to treat you as continuously employed for seniority and pension purposes.[26]

This stuff is complicated, and the five-year limit is the most complicated part of USERRA. You have a lot at stake here, and you should be prepared to spend some money to obtain expert legal advice, to help you dot the is and cross the ts to ensure that your USERRA rights are protected.

There are only a handful of law firms that have a detailed expertise in USERRA. I respectfully submit that Tully Rinckey PLLC is at the top of that list, and I am not referring only to myself. Many of the Tully Rinckey PLLC attorneys are serving or retired members of Reserve Components, and that includes Founding Partner Mathew Tully. To arrange for a consultation with me or another Tully Rinckey attorney, please call Ms. JoAnne Perniciaro (the firm's Client Relations Director) at (518) 640-3538. Please mention Captain Wright when you call.

[26] Please see Law Review 16030 (April 2016).