LAW REVIEW[1] 25037
October 2025
Joe Smith Is Entitled to Reemployment although he Has Been Away on Full-Time Military Duty for more than Five Years.

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

1.1.3.2—USERRA applies to regular military service.
1.3.1.1—Left job for service and gave prior notice.
1.3.1.2—Character and duration of service.
1.3.2.1—Prompt reinstatement after service.
1.3.2.2—Continued accumulation of seniority, escalator principle.
1.3.2.3—Pension credit for service time.

Q: I am the owner-operator of a fine-dining restaurant. A young man (let us call him "Joe Smith") worked for my restaurant for four years, from December 2016 until December 2020, when he left to enlist in the Navy. He told me that he would be joining the Navy before he left his restaurant job, and he requested a military leave of absence, which I granted. I am informed that he entered active duty, reporting to basic training, in January 2021, so we are approaching the fifth anniversary of his entry on active duty.

[1] I invite the reader's attention to www.roa.org/lawcenter. You will find more than 2,000 "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 Spouses' 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. I am the author of more than 90% of the articles, but we are always looking for "other than Sam" articles by other lawyers.

[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 General's Corps officer and retired in 2007. I am a life member of ROA. You can reach me by e-mail at mailto:swright@roa.org.

I recently sent Joe a letter, asking him if he would be leaving active duty soon and whether he would be seeking reemployment at my restaurant. He responded, saying that because he chose the "nuclear power option" when he enlisted his "initial active service obligation" is for six years and that he cannot be released from active duty until January 2027.

I called Joe and asked him if he plans to reenlist and to remain on active duty past January 2027, and he declined to answer my question. He said that the end of his initial enlistment is still more than a year away and he does not know whether the Navy will give him the opportunity to reenlist or whether he will choose to reenlist. He insisted to me that if he leaves active duty by the sixth anniversary of his entry on active duty, he will have the right to reemployment as a matter of federal law. What do you say about that?

Answer, bottom line up front!

Joe is correct. If he meets the five conditions for reemployment under the Uniformed Services Employment and Reemployment Rights Act (USERRA), he will have the right to prompt reemployment in the position that he would have attained if he had been continuously employed (possibly a better job than the one he left) or in another position, for which he is qualified, that is of like seniority, status, and pay. If he fails to meet one or more of the five conditions, he is not entitled to reemployment.

Q: What are the five USERRA conditions for reemployment?

A: As I have explained in Law Review 15116 (December 2015) and many other articles, Joe (or any returning service member or veteran) must meet five conditions to have the right to reemployment under USERRA:

a. He must have left a civilian job (federal, state, local, or private sector) to perform "service in the uniformed services" as defined by USERRA.[3]
b. He must have given the employer prior oral or written notice.[4]
c. His cumulative period or periods of uniformed service, related to the employer relationship for which he seeks reemployment, must not have exceeded five years.[5]
d. He must have been released from the period of service without having received a disqualifying bad discharge from the military.[6]
e. After release from the period of service, he must have made a timely application for reemployment with the pre-service employer.[7]

Joe already meets the first two conditions, in that he left his civilian job to report on active duty and he gave you (the employer) prior oral or written notice. He will meet the fourth condition unless he does or has done something really stupid. He has it in his power to make a timely application for reemployment after he leaves active duty. The issue is the five-year limit.

Q: How does the five-year limit work?

A: Section 4312(c) of USERRA sets forth the five-year limit and its exemptions, as follows:

[3] 38 U.S.C. § 4312(a).
[4] 38 U.S.C. § 4312(a)(1).
[5] 38 U.S.C. § 4312(c). *See generally* Law Review 16043 (May 2016) for a detailed discussion of what counts and what does not count in exhausting the five-year limit.
[6] 38 U.S.C. § 4304. Disqualifying bad discharges include punitive discharges (awarded by court martial for serious offences) and OTH ("other than honorable") administrative discharges.
[7] After a period of service that lasted more than 180 days, the returning service member or veteran has 90 days to apply for reemployment. 38 U.S.C. § 4312(e)(1)(D). Shorter deadlines apply after shorter periods of service.

- 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 a person seeks reemployment, does not exceed five years, *except that any such period of service 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 completion of skill training or retraining; or
    - **(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 declared by the President or the Congress, 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 [10 USCS § 12304];

- **(D)** ordered to active duty in support, as determined by the Secretary concerned, of a critical mission or requirement of the uniformed services;
- **(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; or
- **(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 for the purpose of responding to a national emergency declared by the President and supported by Federal funds, as determined by the Secretary concerned.[8]

USERRA's legislative history explains that the basic limitation is five years but there are several statutory exemptions—kinds of service that do not count toward exhausting an individual's limit. The legislative history includes the following instructive paragraph:

> In order, however, to ensure that the Armed Forces have an adequate supply of trained personnel, certain exceptions to the five years basic limitation would be established by the Committee [House Committee on Veterans' Affairs] bill. Section 4312(c)(1) would provide that the cumulative period of service may exceed five years if the additional time is necessary to complete an initial obligated service requirement. Because of the very high training costs for some military specialties, *such as the Navy's nuclear power program,* the services sometimes impose initial active service obligations exceeding five years upon persons serving in

[8] 38 U.S.C. § 4312(c) (emphasis supplied). *See Law* Review 16043 (May 2016) for a detailed discussion of what counts and what does not count in exhausting an individual's five-year limit with respect to a specific employer relationship.

> those specialties. The intent of this section is to ensure that a person leaving active duty upon completion of his or her initial active service obligation should have reemployment rights even if his or her period of continuous active service exceeds five years.[9]

When Joe enlisted, he chose the nuclear power program, so his initial active service obligation is six years. Joe entered active duty in January 2021, so he will complete his initial active service obligation in January 2027. If he leaves active duty at that time, he will be entitled to reemployment as a matter of federal law.

Q: When Joe requested military leave, I granted it for five years. If Joe wants to remain on active duty for more than five years, is he required to request more military leave?

A: No. Joe was not required to "request military leave." He was only required to give you notice of his impending departure for military service, and he gave you such notice. In the Department of Labor (DOL) USERRA Regulations, there are two sections that are directly on point:

> **Is the employee required to get permission from his or her employer before leaving to perform service in the uniformed services?**
>
> No. The employee is not required to ask for or get his or her employer's permission to leave to perform service in the uniformed services. The employee is only required to give the employer notice of pending service.[10]

[9] House Committee Report, April 28, 1993, H.R. Rep. 103-65 (Part 1) (emphasis supplied). This committee report is reprinted in full in Appendix D-1 of *The USERRA Manual* by Kathryn Piscitelli and Edward Still. The quoted paragraph can be found on page 700 of the 2023 edition of the *Manual.*

[10] 20 C.F.R. § 1002.87 (bold question in original).

Is the employee required to tell his or her civilian employer that he or she intends to seek reemployment after completing uniformed service before the employee leaves to perform service in the uniformed services?

No. When the employee leaves the employment position to begin a period of service, he or she is not required to tell the civilian employer that he or she intends to seek reemployment after completing uniformed service. Even if the employee tells the employer before entering or completing uniformed service that he or she does not intend to seek reemployment after completing the uniformed service, the employee does not forfeit the right to reemployment after completing service. The employee is not required to decide in advance of leaving the civilian employment position whether he or she will seek reemployment after completing uniformed service.[11]

USERRA's legislative history addresses this important question as follows:

> The Committee [House Committee on Veterans' Affairs] does not intend that the requirement to give notice to one's employer in advance of service in the uniformed services be construed to require the employee to decide, at the time the person leaves a job, whether he or she will seek reemployment upon release from active service. One of the basic purposes of the reemployment statute is to maintain the servicemember's civilian job as an "unburned bridge." Not until the individual's discharge or release from service and/or transportation back home, which triggers the application time, does the servicemember have to decide whether to recross that bridge. *See Fishgold, supra,* 328 U.S. at 284. "He is

[11] 20 C.F.R. § 1002.88 (bold question in original).

> not pressed for a decision immediately on his discharge, but has the opportunity to make plans for the future and readjust himself to civilian life."[12]

Joe's right to reemployment at your restaurant is an unburned bridge that he can recross when he leaves active duty in 2027, if he chooses to do so. You, the employer, have no right to insist that Joe guarantees that he will seek reemployment when he leaves active duty. Joe has the whole time that he is on active duty, until January 2027, plus another 90 days (the deadline to apply for reemployment) to decide whether he wants to return to work at your restaurant.

Q: Let us assume that Joe leaves active duty in January 2027, that he makes a timely application for reemployment, and that he otherwise meets the five USERRA conditions for reemployment. Under those conditions, what are my obligations as the employer?

A: First, you must reemploy Joe promptly. Absent unusual circumstances, you must have him back on the payroll within two weeks after he applies for reemployment.[13] Second, you must treat Joe for seniority purposes as if he had remained continuously employed by your restaurant during the entire time that he was away from work to perform uniformed service.[14] Third, in your employee pension plan, you must treat Joe as if he had remained continuously employed by the restaurant.[15]

[12] House Committee Report, April 28, 1993, H.R. Rep. 103-65 (Part 1). This committee report is reprinted in full in Appendix D-1 of *The USERRA Manual* by Kathryn Piscitelli and Edward Still. The quoted paragraph can be found on page 699 of the 2023 edition of the *Manual. Fishgold* refers to *Fishgold v. Sullivan Drydock & Repair Corp.,* 328 U.S. 275 (1946), the first Supreme Court decision under the 1940 reemployment statute.
[13] 20 C.F.R. §§ 1002.180, 1002.181.
[14] 20 C.F.R. § 1002.210.
[15] 20 C.F.R. § 1002.259.

Q: When Joe left his job to join the Navy five years ago, we had 125 employees, including four chefs. Joe was one of the chefs. Today, we have 126 employees including four chefs. The four chefs that we have are doing great work, and we do not need and cannot afford to hire a fifth chef. Is it permissible for me to reemploy Joe in a different position?

A: Yes, but only if the alternative position meets a two-part test. The alternative position must be of like seniority, status, and pay (like the position that Joe would have had if he had remained continuously employed), and it must be a position for which Joe is qualified.[16]

Q: Aside from the four chef positions, there is no position at the restaurant for which Joe is qualified that is of like seniority, status, and pay to the chef position. Am I required to reemploy Joe as a chef even if that means laying off one of the four highly qualified chefs that we already have?

A: Yes. The fact that reemploying Joe in the appropriate position of employment would necessitate laying off another employee does not excuse your failure to reemploy him as required.

Joe is entitled to reemployment in the position that he would have attained, or another position of like seniority, *status,* and pay, *even if that means that another employee must be displaced to make room for him.* The pertinent section in the Department of Labor (DOL) USERRA regulation is as follows:

> Even if the employee is otherwise eligible for reemployment benefits, the employer is not required to reemploy him or her if the employer establishes that its circumstances have so changed as to make reemployment impossible or unreasonable. For

[16] 38 U.S.C. § 4313(a)(2)(A).

> example, an employer may be excused from reemploying the employee where there has been an intervening reduction in force that would have included that employee. *The employer may not, however, refuse to reemploy the employee on the basis that another employee was hired to fill the reemployment position during the employee's absence, even if reemployment might require the termination of that replacement employee.*[17]

If filling the vacancy defeated the right to reemployment of the returning veteran, USERRA would be of little value. Many old and recent cases show that the veteran's right to prompt reemployment upon returning from service is not contingent on the existence of a vacancy at that time. The United States Court of Appeals for the First Circuit[18] has held:

> Finally, we note that USERRA affords broad remedies to a returning servicemember who is entitled to reemployment. For example, 20 C.F.R. 1002.139 unequivocally states that "the employer may not refuse to reemploy the employee on the basis that another employee was hired to fill the reemployment position during the employee's absence, even if reemployment might require the termination of that replacement employee."[19]

The United States Court of Appeals for the Federal Circuit[20] has held:

---

[17] 20 C.F.R. 1002.139(a) (emphasis supplied).

[18] The 1st Circuit is the federal appellate court that sits in Boston and hears appeals from district courts in Maine, Massachusetts, New Hampshire, Puerto Rico, and Rhode Island.

[19] *Rivera-Melendez v. Pfizer Pharmaceuticals LLC,* 730 F.3d 49, 55-56 (1st Cir. 2013).

[20] The Federal Circuit is the specialized federal appellate court that sits in our nation's capital and has nationwide jurisdiction over certain kinds of cases, including appeals from the Merit Systems Protection Board.

> The department [United States Department of Veterans Affairs, the employer and defendant] first argues that, in this case, Nichols' [Nichols was the returning veteran and plaintiff] former position was "unavailable" because it was occupied by another and thus it was within the department's discretion to place Nichols in an equivalent position. This is incorrect. Nichols' former position is not unavailable because it still exists, even if it is occupied by another. A returning veteran will not be denied his rightful position because the employer will be forced to displace another employee. … Although occupied by Walsh, Nichols' former position is not unavailable and it is irrelevant that the department would be forced to displace Walsh to restore him.[21]

Q: I do not like this law, USERRA. I think that it is unreasonable, unacceptable, and probably unconstitutional to require me, the owner of a small business, to reinstate a man who has been off play sailor for the last six years even if that means that I must get rid of a highly productive and valued employee. What do you say about that?

A: It has now been two generations since Congress abolished the draft and established the All-Volunteer Military (AVM) in 1973. Those who are considering enlistment today have never faced the prospect of being drafted, and neither have their parents. No one has been drafted

[21] *Nichols v. Department of Veterans Affairs,* 11 F.3d 160, 163 (Fed. Cir. 1993). For other cases holding that the lack of a current vacancy does not excuse the employer's failure to reemploy the returning veteran in the appropriate position, I invite the reader's attention to *Cole v. Swint,* 961 F.2d 58 (5th Cir. 1992); *Goggin v. Lincoln-St. Louis,* 702 F.2d 698, 704 (8th Cir. 1983); *Davis v. Crothall Services Group,* 961 F. Supp. 2d 716, 730-31 (W.D. Pa. 2013); *Serricchio v. Wachovia Securities LLC,* 556 F. Supp. 2d 99, 107 (D. Conn. 2008); *Murphree v. Communication Technologies, Inc.,* 460 F. Supp. 2d 702, 710 (E.D. La. 2006); *Fitz v. Board of Education of the Port Huron Area Schools,* 662 F. Supp. 10 (E.D. Mich. 1985); *Green v. Oktibbeha County Hospital,* 526 F. Supp. 49 (N.D. Miss. 1981); *Hembree v. Georgia Power Co.,* 104 L.R.R.M. (BNA) 2535 (N.D. Ga. 1979), affirmed in part, reversed in part on other grounds, 637 F.2d 423 (5th Cir. 1981); *Jennings v. Illinois Office of Education,* 97 L.R.R.M. (BNA) 3027 (S.D. Ill. 1978, judgment affirmed, 589 F.2d 935 (7th Cir. 1979); and *Muscianese v. U.S. Steel Corp.,* 354 F. Supp. 1394, 1402 (E.D. Pa. 1973).

by our country since the grandparents or great-grandparents of today's service members were of military age.

Relying exclusively on volunteers, our nation has the best-motivated, best-led, best-equipped, and most effective military in the world, and perhaps in the history of the world. I hope that it is never necessary for our country to reinstate the draft.

Defending our country in a dangerous world, without relying on compulsion to fill the ranks, means that our nation must maximize the incentives and minimize the disincentives to military service in the Active Component, the Reserve, and the National Guard.

Most of the 2,300 articles in our "Law Review" series[22] address laws that seek to minimize the disincentives to service. The Uniformed Services Employment and Reemployment Rights Act (USERRA) relates to the concerns of the service member or potential service member that he or she will lose out on civilian job opportunities because of service to our country in uniform. The Servicemembers Civil Relief Act (SCRA) addresses the concerns of the service member that he or she will lose the opportunity to be heard in a civil or administrative proceeding back home because he or she is serving in uniform hundreds or thousands of miles away or that he or she will have to continue paying rent for an apartment that is no longer needed because he or she has enlisted or has been called to active duty.

[22] Please see footnote 1.

I invite the reader's attention to Law Review 14080 (July 2014), by Nathan Richardson[23] and myself. In that article we wrote:

> Without a law like USERRA, it would not be possible for the services to recruit and retain the necessary quality and quantity of young men and women needed to defend our country in the armed forces. In the All-Volunteer Military recruiting is a constant challenge. Despite our country's current [2014] economic difficulties and the military's recent reductions in force, recruiting remains a challenge for the Army Reserve, the only component that has been unable to meet its recruiting quota for Fiscal Year 2014.
>
> Recruiting difficulties will likely increase in the next few years as the economy improves and the youth unemployment rate drops, meaning that young men and women will have more civilian opportunities competing for their interest. Recent studies show that more than 75% of young men and women in the 17-24 age group are not qualified for military service, because of medical issues (especially obesity and diabetes), the use of illegal drugs or certain prescription medicines (including medicines for conditions like attention deficit hyperactivity disorder), felony convictions, cosmetic issues, or educational deficiencies (no high school diploma).
>
> Less than half of one percent of America's population has participated in military service of any kind since the September 11 attacks. A mere 1% of young men and women between the ages

[23] At the time (summer 2014), Nathan Richardson was an unpaid summer intern at the Service Members Law Center, of which I was the Director. Nathan is now a lawyer in New York City.

> of 17 and 24 are interested in military service and possess the necessary qualifications. The services will need to recruit a very high percentage of that 1%. As a nation, we cannot afford to lose any qualified and interested candidates based on their concerns that their military service (especially service in the Reserve or National Guard) will make them unemployable in civilian life. There definitely is a compelling interest in the enforcement of USERRA.

As Nathan Richardson and I predicted in 2014, the services (and especially the Army) have suffered from recruiting shortfalls and 2023 was the most challenging year for military recruiting since the draft was abolished in 1973.

While I am very glad that Congress abolished the draft 52 years ago, I also think that conscription is constitutional, justified, and necessary when our nation is unable to recruit enough volunteers. In a letter to Alexander Hamilton dated May 2, 1783, General George Washington wrote:

> It may be laid down as a primary position, and the basis of our system, that every citizen of a free government owes not only a proportion of his property but even of his personal services to the defence of it, and consequently that the Citizens of America (with a few legal and official exemptions) from 18 to 50 Years of Age should be borne on the Militia Rolls, provided with uniform Arms, and so far accustomed to the use of them that the Total strength of the Country might be called upon at Short Notice on any very interesting Emergency.[24]

[24] Published in *The Writings of George Washington* (1938), edited by John C. Fitzpatrick, Volume 26, page 289.

Throughout our nation's history, when the survival of liberty has been at issue, our nation has defended itself by calling up state militia forces (known as the National Guard since the early 20th Century) and by drafting young men into military service.[25] A century ago, in the context of World War I, the United States Supreme Court upheld the constitutionality of the draft.[26]

No one is required to serve in our country's military, but someone must defend this country. When I hear folks complain about the "burdens" imposed by laws like the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Servicemembers Civil Relief Act (SCRA), I want to remind those folks that our government is not drafting you, nor is it drafting your children and grandchildren. Yes, these laws impose burdens on some members of our society, but those burdens are tiny in comparison to the far greater burdens (sometimes the ultimate sacrifice) voluntarily undertaken by that tiny segment of our country's population who volunteer to serve in uniform, in the Active Component (AC) or the Reserve Component (RC).

As we approach the 25th anniversary of the "date which will live in infamy" for our time, when 19 terrorists commandeered four airliners and crashed them into three buildings and a field, killing almost 3,000 Americans, let us all be thankful that in that period we have avoided another major terrorist attack within our country. Freedom is not free, and it is not a coincidence that we have avoided a repetition of the tragic events of 9/11/2001. The strenuous efforts and heroic sacrifices

[25] No one has been drafted by our country since 1973, but under current law young men are required to register in the Selective Service System when they reach the age of 18. In Resolution 13-03, ROA has proposed that Congress amend the law to require women as well as men to register. Please see Law Review 15028 (March 2015).
[26] *Arver v. United States,* 245 U.S. 366 (1918).

of American military personnel, Active Component (AC) and Reserve Component (RC), have protected us all.

In a Memorial Day speech at Arlington National Cemetery on May 30, 2016, the Chairman of the Joint Chiefs of Staff (General Joseph Dunford, USMC) said:

> Some [of those we honor today] supported the birth of the revolution; more recently, others have answered the call to confront terrorism. Along the way, more than one million Americans have given the last full measure [of devotion]. Over 100,000 in World War I. Over 400,000 in World War II. Almost 40,000 in Korea. Over 58,000 in Vietnam. And over 5,000 have been killed in action since 9/11. Today is a reminder of the real cost of freedom, the real cost of security, and that's the human cost.

In a speech to the House of Commons on 8/21/1940, Prime Minister Winston Churchill said:

> The gratitude of every home in our island, in our Empire, and indeed throughout the world except in the abodes of the guilty goes out to the British airmen who, undaunted by odds, unweakened in their constant challenge and mortal danger, are turning the tide of world war by their prowess and their devotion. Never in the course of human conflict was so much owed by so many to so few.

Churchill's paean to the Royal Air Force in the Battle of Britain applies equally to America's military personnel, AC and RC, who have protected us from a repetition of 9/11/2001, by their prowess and their devotion.

In the last 25 years, most of the American people have made no sacrifices (beyond the payment of taxes) in support of necessary military operations. The entire U.S. military establishment, AC and RC, amounts to just 0.75% of the U.S. population. This tiny segment of the population bears almost all the cost of defending our country.

On January 27, 1973, more than 50 years ago, Congress abolished the draft and established the AVM. The AVM has been a great success, and when Representative Charles Rangel of New York introduced a bill to reinstate the draft he could not find a single co-sponsor.

Those who benefit from our nation's liberty should be prepared to make sacrifices to defend it. In the AVM era, no one is required to serve our nation in uniform, but our nation needs military personnel, now more than ever. Requiring employers to reemploy those who volunteer to serve is a small sacrifice to ask employers to make. All too many employers complain about the "burdens" imposed on employers by the military service of employees, and all too many employers seek to shuck those burdens through clever artifices.

I have no patience with the carping of employers. Yes, our nation's need to defend itself puts burdens on the employers of those who volunteer to serve, but the burdens borne by employers are tiny as compared to the heavy burdens (sometimes the ultimate sacrifice) borne by those who volunteer to serve, and by their families.

To the nation's employers, especially those who complain, I say the following: Yes, USERRA puts burdens on employers. Congress fully appreciated those burdens in 1940 (when it originally enacted the reemployment statute), in 1994 (when it enacted USERRA as an update of and improvement on the 1940 statute), and at all other relevant times. We as a nation are not drafting you, nor are we drafting your children and grandchildren.

You should celebrate those who serve in your place and in the place of your offspring. When you find citizen service members in your workforce or among job applicants, you should support them cheerfully by going above and beyond the requirements of USERRA.

Please join or support ROA.

This article is one of 2,300-plus "Law Review" articles available at www.roa.org/lawcenter. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. We add new articles each month.

ROA is the nation's only national military organization that exclusively and solely supports the nation's reserve components, including the Coast Guard Reserve (6,179 members), the Marine Corps Reserve 32,599 members), the Navy Reserve (55,224 members), the Air Force Reserve (68,048 members), the Air National Guard (104,984 members), the Army Reserve (176,171 members), and the Army National Guard (329,705 members).[27]

[27] *See* https://crsreports.congress.gov/product/pdf/IF/IF10540/. These are the authorized figures as of 9/30/2022.

ROA is more than a century old. On 10/2/1922 a group of veterans of "The Great War," as World War I was then known, founded our organization at a meeting in Washington's historic Willard Hotel. The meeting was called by General of the Armies John J. Pershing, who had commanded American troops in the recently concluded "Great War." One of those veterans was Captain Harry S. Truman. As President, in 1950, he signed our congressional charter. Under that charter, our mission is to advocate for the implementation of policies that provide adequate national security. For more than a century, we have argued that the Reserve Components, including the National Guard, are a cost-effective way to meet our nation's defense needs.

Through these articles, and by other means, including amicus curiae ("friend of the court") briefs that we file in the Supreme Court and other courts, we advocate for the rights and interests of service members and educate service members, military spouses, attorneys, judges, employers, Department of Labor (DOL) investigators, Employer Support of the Guard and Reserve (ESGR) volunteers, federal and state legislators and staffers, and others about the legal rights of service members and about how to exercise and enforce those rights.

We provide information to service members, without regard to whether they are members of ROA, but please understand that ROA members, through their dues and contributions, pay the costs of providing this service and all the other great services that ROA provides.

If you are now serving or have ever served in any one of our nation's eight[28] uniformed services, you are eligible for membership in ROA,[29] and a one-year membership only costs $20 or $450 for a life membership. Enlisted personnel as well as officers are eligible for full membership, and eligibility applies to those who are serving or have served in the Active Component, the National Guard, or the Reserve.

If you are eligible for ROA membership, please join. You can join on-line at https://www.roa.org/page/memberoptions or call ROA at 800-809-9448. If you are not eligible to join, please contribute financially, to help us keep up and expand this effort on behalf of those who serve. Please mail us a contribution to:

Reserve Organization of America
1 Constitution Ave. NE
Washington, DC 20002[30]

[28] Congress recently established the United States Space Force as the eighth uniformed service.
[29] Spouses, widows, and widowers of past or present members of the uniformed services are also eligible to join.
[30] You can also contribute on-line at www.roa.org.