

LAW REVIEW¹ 26066

October 2026

Are FEMA Reservists Protected by USERRA?

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

1.1.3.6b—USERRA and FEMA reservists,

1.4—USERRA enforcement.

Q: I am a reservist (civilian) for the Federal Emergency Management Agency (FEMA) of the United States Department of Homeland Security.³ I have heard that FEMA reservists like me are now

¹ I invite the reader's attention to [Law Center | ROA](#). You will find more than 2,300 "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), the title 38 chapters that provide for veterans' benefits administered by the Department of Veterans Affairs (VA), 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. I have dealt with USERRA and the Veterans' Reemployment Rights Act (VRRRA—the 1940 version of the federal reemployment statute) for 44 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.

³ This is a real situation, but I have changed some of the facts to protect the identity of the individual who contacted me. This case involves a FEMA reservist. The analysis would not be different if this were an Army Reservist or a member of a Reserve Component of another armed force.

protected by the Uniformed Services Employment and Reemployment Rights Act (USERRA). Is that true?

A: Yes. On 9/29/2023, President Joe Biden signed into law the Civilian Reservist Emergency Workforce Act (CREW Act).⁴ The CREW Act amended both the Robert T. Stafford Disaster Relief and Emergency Assistance Act and USERRA. The CREW Act amended USERRA's definition of "service in the uniformed services" to read as follows:

The term "service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, State active duty for a period of 14 days or more, State active duty in response to a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.), State active duty in response to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty, a period for which a System member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into Federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, **a period for which a person is absent from a position of employment due to an**

⁴ Public Law 117-178, 136 Stat. 2110. *See generally* Law Review 23032 (February 2023).

appointment into service in the Federal Emergency Management Agency as intermittent personnel under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1), and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by section 12503 of title 10 or section 115 of title 32.⁵

As of 9/29/2023, when President Biden signed the CREW Act, FEMA reservists have exactly the same rights as Army Reservists or reservists in any other service.

Q: To what employers does USERRA apply?

A: USERRA applies to almost all employers in the United States, including the Federal Government, the States, the political subdivisions of States (local governments), and private employers, regardless of size. You only need one employee to be an “employer” that is subject to the federal reemployment statute.⁶

Q: In January 2026, I was hired by a State government agency in the capital of my home State. I have been a FEMA reservist since 2024. In March 2026, I was called to full-time duty by FEMA and deployed to a distant State for four months, until FEMA released me and sent me home 7/15/2026. I gave the State agency seven days of advance notice, orally and in writing, before I left my job to deploy for FEMA as ordered. I wish that I could have given more notice, but that is all the

⁵ 38 U.S.C. § 4303(13) (emphasis supplied).

⁶ *Cole v. Swint*, 961 F.2d 58, 60 (5th Cir. 1992).

notice that FEMA gave me. On 7/15/2026, I reported back to the State agency and applied for reemployment. The office director of the agency said: “I have never heard of a ‘FEMA reservist.’” He said that it was “impossible” for the State agency to reemploy me because the agency only has 500 employees as authorized by the State Legislature and every position is filled. He said that the position I left in March has been filled by an outstanding new employee who is doing a great job. Have my USERRA rights been violated?

A: Yes. In July 2026, you met the five USERRA conditions for reemployment, and the State had the legal obligation to reemploy you. Failing to reemploy you promptly in the position of employment that you would have attained if you had been continuously employed (probably the position you left) was a clear violation of USERRA.

In March 2026, you left your State job to perform “service in the uniformed services” as defined by USERRA.⁷ You gave the employer prior oral or written notice of your departure from the job to perform uniformed service.⁸ Under section 4312(c) of USERRA,⁹ there is a five-year limit on the duration of an individual employee’s periods of uniformed service, relating to that employer relationship. You have not exceeded this limit. You were released from the period of full-time FEMA service without having received a disqualifying bad discharge.¹⁰

⁷ 38 U.S.C. § 4312(a). As of 9/29/2023, when President Biden signed the CREW Act, service as a FEMA reservist qualifies as “service in the uniformed services” for USERRA purposes.

⁸ 38 U.S.C. § 4312(a)(1).

⁹ 38 U.S.C. § 4312(c). Under that subsection, there are nine kinds of service that do not count toward exhausting an individual’s five-year limit with respect to an employer relationship. None of those exceptions apply to FEMA reservists.

¹⁰ 38 U.S.C. § 4304. As a FEMA reservist, this qualification does not apply to you because FEMA does not try to characterize the performance of FEMA reservist service. If your FEMA service is unsatisfactory, FEMA will terminate your status as a reservist, but FEMA will not characterize your service as “other than honorable.”

After you were released from the period of full-time FEMA service, you made a timely application for reemployment.¹¹

The fact that reemploying you would necessarily mean displacing the employee who was hired to replace you when you left your job in March 2026 in no way excuses the State from its USERRA violation.

Because you met the five USERRA conditions, the State was required to reemploy you promptly in an appropriate position of employment *even if that meant displacing or laying off another person*. The pertinent section in the 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 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.*¹²

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 right to prompt reemployment upon

¹¹ After a period of uniformed service that lasted more than 30 days but fewer than 181 days, the returning service member has 14 days to apply for reemployment. 38 U.S.C. § 4312(e)(1)(D). You applied for reemployment on the day after you were released from the period of full-time FEMA service. You were well within the deadline.

¹² 20 C.F.R. § 1002.139(a) (emphasis supplied).

returning from service is not contingent on the existence of a vacancy at that time. The United States Court of Appeals for the First Circuit¹³ 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.”¹⁴

The United States Court of Appeals for the Federal Circuit¹⁵ has held:

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’

¹³ 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.

¹⁴ *Rivera-Melendez v. Pfizer Pharmaceuticals LLC*, 730 F.3d 49, 55-56 (1st Cir. 2013).

¹⁵ 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.

former position is not unavailable and it is irrelevant that the department would be forced to displace Walsh to restore him.¹⁶

Q: I filed a formal complaint, in writing, with the Veterans' Employment and Training Service of the United States Department of Labor (DOL-VETS). The investigator who has been assigned to my case has patiently explained to the State agency that I have a legal right to reemployment and failing to reemploy me violates federal law, but the personnel department of the agency has dug in its heels and has adamantly refused to reinstate me or to compensate me for the pay and benefits that I have lost because of the USERRA violation. If the agency persists in this violation, what happens next?

A: When DOL-VETS completes its investigation, it will notify you in writing of the results of the investigation and of your right to request referral to the United States Department of Justice (DOJ).¹⁷ If you request referral, your case will be promptly referred.¹⁸ If DOJ is reasonably satisfied that you are entitled to the USERRA benefits that you claim, DOJ will file suit on your behalf in the appropriate federal district court and act as your attorney, at no cost to you.¹⁹ In your case,

¹⁶ *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, 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. 1011 (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).

¹⁷ 38 U.S.C. § 4322(e).

¹⁸ 38 U.S.C. § 4323(a).

¹⁹ 38 U.S.C. § 4323(a)(1).

DOJ will file the case in the name of the United States, as plaintiff in the action.²⁰

If DOJ declines your request for representation, or if you choose not to request that DOL-VETS refer your case to DOJ, you can bring the lawsuit in your own name and with your own attorney.²¹ If you bring the case in your own name and with your own attorney, you will need to file the suit against a State government employer in the appropriate State court.²² The United States Supreme Court has held that State courts in all 50 States are required to hear and adjudicate claims that State government agencies, as employers, have violated USERRA, without regard to State laws or State claims of sovereign immunity.²³ This precedent means that Texas and the other 49 States will no longer be able to hide behind the hoary doctrine of sovereign immunity to avoid complying with USERRA. If you file suit with private counsel and prevail, the court will award you reasonable attorney fees, expert witness fees, and other litigation expenses.²⁴

Q: If I sue the State for violating my USERRA rights and prevail, what remedies are available?

A: USERRA provides:

(1) In any action under this section, the court may award relief as follows:

²⁰ Id.

²¹ 38 U.S.C. § 4323(a)(3).

²² 38 U.S.C. § 4323(b)(2)

²³ *Torres v. Texas Department of Public Safety*, 597 U.S. 580, 584-85 (2022).

²⁴ 38 U.S.C. § 4323(h)(2)

(A)

The court may require the employer to comply with the provisions of this chapter.

(B)

The court may require the employer to compensate the person for any loss of wages or benefits suffered by reason of such employer's failure to comply with the provisions of this chapter.

(C)

The court may require the employer to pay the person the amount referred to in subparagraph (B) and interest on such amount, calculated at a rate of 3 percent per year.

(D)

The court may require the employer to pay the person the greater of \$50,000 or the amount equal to the amounts referred to in subparagraphs (B) and (C) as liquidated damages, if the court determines that the employer knowingly failed to comply with the provisions of this chapter.²⁵

(1)

The court shall use, in any case in which the court determines it is appropriate, its full equity powers, including temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate fully the rights or benefits of persons under this chapter.

(2)

A person bringing an action to enforce a provision of this chapter pursuant to subsection (a) shall be entitled to an injunction under paragraph (1) if such person demonstrates—

²⁵ 38 U.S.C. § 4323(d)(1).

(A) a violation—

(i)

Of the provisions of this chapter; or

(ii)

of the provisions of this chapter is threatened or is imminent;

(B)

the harm to the person outweighs the injury to the employer;

(C)

A likelihood of success on the merits of such action; and

(D)

awarding such relief is in the public interest.

(3)

The court may not deny a motion for injunctive relief on the basis that a party bringing an action to enforce a provision of this chapter may be awarded wages unearned due to an unlawful termination or denial of employment at the conclusion of such action.²⁶

Q: Am I entitled to *paid* military leave for the time that I am away from my State job to perform full-time duty as a FEMA reservist?

A: Under USERRA’s “furlough or leave of absence” clause, you are likely entitled to paid military leave for at least part for at least part of the time that you were away from your State job for full-time FEMA duty. On 10/13/1994, President Bill Clinton signed into law the Uniformed Services Employment and Reemployment Rights Act (USERRA).²⁷ USERRA was a long-overdue update and rewrite of the Veterans’

²⁶ 38 U.S.C. § 4323(e).

²⁷ Public Law 103-353, 108 Stat. 3149. USERRA has been amended several times since 1994 and is now codified at 38 U.S.C. §§ 4301-35.

Reemployment Rights Act (VRRA), which was originally enacted in 1940.²⁸

USERRA’s “furlough or leave of absence” provision reads as follows:

(1) Subject to paragraphs (2) through (6), a person who is absent from a position of employment by reason of service in the uniformed services shall be—

(A) deemed to be on furlough or leave of absence while performing such service; and

(B) *entitled to such other rights and benefits not determined by seniority as are generally provided by the employer of the person to employees having similar seniority, status, and pay who are on furlough or leave of absence under a contract, agreement, policy, practice, or plan in effect at the commencement of such service or established while such person performs such service.*²⁹

This language, or something very much like it, has been part of the reemployment statute since 1940. When Congress enacted USERRA in 1994, this provision was carried over without significant change. Four intermediate federal appellate courts have addressed the “furlough or leave of absence” clause in the context of the right to *paid* military leave during a period when an individual is away from his or her civilian job for voluntary or involuntary service in the uniformed services.³⁰

²⁸ See generally Law Review 15067 (August 2015) for a detailed discussion of the federal reemployment statute.

³⁰ *Myrick v. City of Hoover*, 69 F.4th 1309 (11th Cir. 2023); *Clarkson v. Alaska Airlines*, 59 F.4th 424 (9th Cir. 2023); *Travers v. FedEx Corp.*, 8F.4th 198 (3rd Cir. 2021); and *White v. United Air Lines*, 987 F.3rd 616 (7th Cir. 2021).

Section 4331 of USERRA³¹ gives the Department of Labor (DOL) the authority to promulgate regulations about the application of USERRA to state and local governments and private employers. The pertinent subsection of the DOL USERRA Regulation is as follows:

Which non-seniority rights and benefits is the employee entitled to during a period of service?

(a) The non-seniority rights and benefits to which an employee is entitled during a period of service are those that the employer provides to similarly situated employees by an employment contract, agreement, policy, practice, or plan in effect at the employee's workplace. These rights and benefits include those in effect at the beginning of the employee's employment and those established after employment began. They also include those rights and benefits that become effective during the employee's period of service and that are provided to similarly situated employees on furlough or leave of absence.

(b) If the non-seniority benefits to which employees on furlough or leave of absence are entitled vary according to the type of leave, the employee must be given the most favorable treatment accorded to any comparable form of leave when he or she performs service in the uniformed services. In order to determine whether any two types of leave are comparable, the duration of the leave may be the most significant factor to compare. For instance, a two-day funeral leave will not be "comparable" to an extended leave for service in the uniformed service. In addition to

³¹ 38 U.S.C. § 4331.

comparing the duration of the absences, other factors such as the purpose of the leave and the ability of the employee to choose when to take the leave should also be considered.

(c) As a general matter, accrual of vacation leave is considered to be a non-seniority benefit that must be provided by an employer to an employee on a military leave of absence only if the employer provides that benefit to similarly situated employees on comparable leaves of absence.³²

In several of the amicus curiae (“friend of the court”) briefs that we have filed, and in several of our “Law Review” articles, we (the Reserve Organization of America) have taken the position that an employer must grant *paid* military leave to an employee who is away from his or her civilian job for a short period of military training or service if and to the extent that the employer grants paid leave for comparable periods of leave for non-military reasons (like jury service).³³ In 2021, the 7th Circuit (Chicago) and the 3rd Circuit (Philadelphia) agreed with our position. In 2023, the 9th Circuit (San Francisco) and the 11th Circuit (Atlanta) joined this chorus.³⁴ The other nine circuits have not yet addressed the question.³⁵

This issue is not limited to airlines and cargo carriers.

³² 20 C.F.R. § 1002.150 (bold question in original).

³³ See *generally* Law Review 21067 (October 2021) and Law Review 21014 (March 2021).

³⁴ See *White* and *Travers*, cited at the top of this article. The first three published Court of Appeals decisions deal with pilots for airlines (United Air Lines and Alaska Air Lines) and a cargo carrier (FedEx), but this legal principle is not limited to pilots. The 11th Circuit case deals with local police officers.

³⁵ When the other circuits address this question, they will likely follow the lead of the 7th Circuit, the 3rd Circuit, the 9th Circuit, and now the 11th Circuit. If another circuit reaches the opposite conclusion on this point, that will set up a conflict among the circuits, and it would likely then be necessary for the Supreme Court to grant certiorari to resolve the conflict.

In Law Review 24037, the immediately preceding article in this “Law Review” series, I pointed out that USERRA’s “furlough or leave of absence” clause is not limited to pilots for airlines like United Airlines and Alaska Airlines. This clause also applies to stockers for companies like Walmart and Amazon. In *Myrick v. City of Hoover*,³⁶ we see the application of this clause to police officers for the City of Hoover in Alabama.

Myrick v. City of Hoover

This case involved four plaintiffs, all of whom are police officers for the City of Hoover, Alabama.³⁷ Thaddaeus Myrick and Nicholas Braden are members of the Alabama Army National Guard (ARNG). Jessie Popee is a member of the Alabama Air National Guard (ANG). Kenneth Fountain is a member of the United States Army Reserve (USAR). All four plaintiffs were away from their police officer jobs for short and long periods of military training and service. Myrick was deployed for 377 days to Afghanistan starting in 2017, and Braden was deployed to the same country for 354 days starting that same year. Popee was called to active duty six times, including 607 days starting in 2001, 691 days starting in 2004, and 426 days starting in 2008. Fountain was called to active duty for 1,752 days in 2007-11.³⁸

In her scholarly opinion, Judge Conway cited the text and legislative history of USERRA as well as the Department of Labor (DOL) USERRA

³⁶ 69 F.4th 1309 (11th Cir. 2023).

³⁷ All four of these individuals are eligible for membership in the Reserve Organization of America (ROA), but none of them are current members. We are trying to recruit them.

³⁸ It is possible to assert USERRA claims even years later because USERRA does not have a statute of limitations and it specifically precludes the application of other statutes of limitations. See Law Review 22018 (March 2022).

regulations, the preamble to those regulations, and the decisions of the 7th Circuit (*White*), the 3rd Circuit (*Travers*), and the 9th Circuit (*Clarkson*).³⁹

In her opinion, Judge Conway also held:

The Supreme Court has long admonished courts to construe statutes protecting veterans liberally for the benefit of the veteran. *Fishgold v. Sullivan Drydock & Repair Corp.*, 328 U.S. 275, 285, 66 S. Ct. 1105, 90 L. Ed. 1230 (1946). Congress adopted this rule of construction when it enacted USERRA. *Clarkson v. Alaska Airlines, Inc.*, 59 F.4th 424, 429 (9th Cir. 2023). Thus, when two plausible interpretations of USERRA exist—one denying benefits, the other protecting the veteran—we must choose the interpretation that protects the veteran. *Travers*, 8 F.4th at 208 n.25 (“[A]ny interpretive doubt is construed in favor of the service member, under the pro-veteran canon.”). In this case, the word “status” could refer to an employee’s job position, or to the way the employer classifies the employee while on leave. The DOL selected the former interpretation, which prevents employers from skirting USERRA’s protections by mischaracterizing military leave. *Cf.* § 1002.149; 70 Fed. Reg. at 75263. This interpretation aligns with USERRA’s purpose and scheme. Therefore, it is permissible.⁴⁰

³⁹ In her opinion, Judge Conway wrote: “Our conclusion is bolstered by the fact that Hoover’s interpretation would split the circuits.” *Myrick*, 69 F.4th at 1317. This statement buttresses the conclusion that I have expressed in previous Law Review articles that as new circuits are called upon to address questions about the application of the “furlough or leave of absence” clause they will likely follow the lead of the circuits that have already addressed these questions.

⁴⁰ *Myrick*, 69 F.4th at 1318.

The right to paid military leave under the “furlough or leave of absence” clause is not necessarily limited to drill weekends and traditional annual training tours.

The other three “furlough or leave of absence” clause cases cited have dealt with short periods of military training like drill weekends and annual training periods lasting two or three weeks. In this case (*Myrick*), the district court awarded and the appellate court approved ordering the employer (the City of Hoover) to grant paid military leave measured in the hundreds of days because “since 1994, Hoover has placed at least three police department employees on paid administrative leave lasting longer than 120 consecutive days.”⁴¹

To the extent that you are not entitled to paid military leave under USERRA’s “furlough or leave of absence” clause, you are at least entitled to an unpaid but job-protected military leave.

Q: Where can I find a lawyer or law firm that fully understands laws like the Servicemembers Civil Relief Act (SCRA), the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Uniform Code of Military Justice (UCMJ), and other laws that are especially pertinent to those who serve our country in uniform?

A: As of 5/1/2026, I have come out of retirement and have joined Maher Legal Services in an “of counsel” role. This firm has a great team, headed by attorneys John Maher and Kevin Mikolashek, both of whom have served as Army judge advocates for many years. These

⁴¹ *Myrick*, 69 F.4th at 1313.

attorneys and this firm have a great record, and I am proud to join their team.

Here is a link to the Maher Legal Services website:

<https://www.lawyersdefendingwarriors.com/about>.

Join the Organization That Fights for You

This article is one of more than 2,300 "Law Review" articles available at [Law Center | ROA](#) — a free legal resource that the Reserve Organization of America (ROA) has built and maintained since 1997, adding new articles every month.

ROA is the only national military organization dedicated exclusively to America's reserve components — all eight of them. From the 6,179 members of the Coast Guard Reserve to the 329,705 soldiers of the Army National Guard, ROA exists to serve the nearly 773,000 men and women who answer the call while maintaining civilian lives. No other organization does what we do for the people we serve.

Our roots run deep. On October 2, 1922, veterans of the Great War gathered at Washington's historic Willard Hotel — at the invitation of General of the Armies John J. Pershing — to build something lasting. One of the junior officers in that room was Captain Harry S. Truman, who, as President, signed ROA's congressional charter in 1950. That charter gives us a clear mission: advocate for policies that ensure adequate national security. For more than a century, we've made the

case that America's Reserve Components and National Guard are among the most cost-effective pillars of our national defense.

Beyond this library of legal resources, ROA files amicus curiae ("friend of the court") briefs in the Supreme Court and other courts, and actively educates service members, military spouses, attorneys, employers, legislators, and others about the legal rights of those who serve — and how to enforce them. We provide this information to all service members, regardless of membership. But it's ROA members — through their dues and contributions — who make it possible.

Your membership makes the mission possible.

If you are currently serving, or have ever served, in any of America's eight uniformed services, you are eligible to join ROA — and membership starts at just \$20 for a full year, or \$450 for life. Officers and enlisted personnel alike qualify, whether your service was in the Active Component, the National Guard, or the Reserve. ROA has also recently expanded eligibility to include ancestors and lineal descendants of past or present service members, so families can stand with those who serve. Join online at [Reserve Organization of America - ROA](#) or call 800-809-9448. If you are not eligible for membership but believe in this mission, your financial contribution directly funds this resource and the advocacy work that protects those who serve. Donations may be mailed to:

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