

The Department of Justice reached a settlement agreement with the Warren County, North Carolina, Board of Education (Warren County) that resolves a federal lawsuit brought under the Uniformed Services Employment and Reemployment Rights Act (USERRA) on behalf of Dwayne Coffey, a Command Sergeant Major (CSM) in the Army Reserve.

In its complaint, the United States alleged that Warren County violated USERRA by eliminating Sergeant Major Coffey's employment position while he was on active duty with the military and failed to re-employ him in a comparable position when he returned.

Under the terms of the settlement agreement, Warren County will reinstate Coffey to the position of Dean of Students at Warren County Middle School, and provide him with back pay and pension benefits. The reinstatement position is the one that Coffey held before his period of active duty with the Army. "Command Sergeant Major Coffey was called upon to leave his civilian employment and serve our nation, and we are grateful for his service," said Assistant Attorney General Eric Dreiband of the Department of Justice's Civil Rights Division. "This settlement agreement with Warren County Resolves the USERRA claims brought by the United States and serves as a reminder that our servicemembers, like CSM Coffey, deserve fair and lawful reemployment following their returns from active military duty."

"Members of our Reserves, like Command Sergeant Dewayne Coffey, are often called away from their civilian jobs in order to provide the security our nation depends on," said United States Attorney Robert J. Higdon of the Eastern District of North Carolina. "These citizen servicemembers should never face losing their jobs or be forced to accept an inferior position when they answer that call. The Uniformed Services Employment and Reemployment Rights Act protects these brave men and women, and, as this lawsuit demonstrated, the Department of Justice is committed to enforcing it when it is violated."

USERRA safeguards the rights of uniformed servicemembers to return to their civilian employment following absences due to military service obligations and protect servicemembers from discrimination on the basis of their military obligations. This case stems from a referral by the U.S. Department of Labor (DOL) following an investigation by the DOL's Veterans'

Employment and Training Service (VETS). After resolution failed, VETS referred the complaint to the Department of Justice's Civil Rights Division. This lawsuit was handled by Deborah Birnbaum and Brian McEntire in the Employment Litigation Section of the Department of Justice's Civil Rights Division and Assistant U.S. Attorney Michael G. James in the U.S.

U.S. Justice Department Settles Case With Warren County Regarding Firing Of Teacher Serving In Reserv

By Administrator

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Attorney's Office for the Eastern District of North Carolina.

The Justice Department gives high priority to the enforcement of servicemembers' rights under USERRA. Additional information about USERRA can be found on the Justice Department's websites at <https://www.justice.gov/crt/employment-litigation-section> and <https://www.justice.gov/servicemembers>, as well as on the Department of Labor's website at <https://www.dol.gov/agencies/vets/programs/userra>.