

Voices for Action:
**A Focus on the
Changing Needs of
America's Veterans**



November 9, 2006

**First Edition
Employment**



**Issues Committee
Sub-Committee on Employment**

Overview

The current Veterans' Preference laws, as well intentioned as they are, do NOT serve the needs of our returning veterans. With the draw down of the active duty forces and a greater reliance on our National Guard and Reserve components, we need a standardization of veteran preferential eligibility from state to state. The Federal statutes should be changed so that agencies of Federal, State, and Local Governments or any outside agency receiving Federal tax dollars, "SHALL" give preference upon hiring to a qualified veteran. Currently there is a lack of enforcement mechanisms to regulate state and local governments. The definition of "veteran" should be standardized.

Employment training opportunities for young veterans are not consistently available throughout the United States.

Employment and Reemployment Rights is a key issue within the veteran community, especially with members of the National Guard and Reserve components. Many of these individuals have suffered job loss, in violation of USERRA, due to military service.

Veterans' Preference

1. Veterans' Preference is applied inconsistently, and the definition of Veterans' Preference eligibility varies from state to state.
2. In some cases the length of service requirement (180 consecutive days) is unnecessarily restrictive as many serve only 179 days.
3. Unemployment rates of returning veterans are high. Returning veterans are underemployed and their skills are underutilized.
4. Public sector does not hire enough veterans.
5. No effective system is in place to monitor or enforce compliance.

Employment Training

6. There is a lack of communication of benefits between employers, veterans, training facilities and community-based organizations.
7. Civilian agencies do not recognize military training/skills.
8. Young veterans have to learn to live independently of military/parental controls.
9. Young veterans may lack the formal education (high school diploma/college degree) to access current job openings.

Employability-Training-Vocational Rehabilitation

10. Lack of effective identification and translation of transitioning service members' skills to the civilian workforce.
11. Services and resources addressing employability are underutilized by veterans, including transitioning service members, Reserve, National Guard, and family members due to the inability to identify and access the resources.
12. Inadequate demobilization services for Guard and Reserve.
13. Eligibility of employment programs for veterans and businesses hiring veterans are too restrictive.
14. Self-employment programs do not meet the needs of transitioning veterans.

Employment and Reemployment Rights

15. Lack of enforcement of employment discrimination and reemployment rights.
16. Inequities in enforcement and laws from state to state.
17. Lack of legal assistance for USERRA (Uniformed Services Employment and Reemployment Rights Act) cases.
18. Lack of education among service members, employers, and governmental agencies.
19. Lack of a single, trusted place to go for information and resources.
20. Failure at the critical first step when a USERRA violation occurs.

Issue 1

Veterans' Preference is applied inconsistently, and the definition of Veterans' Preference eligibility varies from state to state.

Recommendation

Task the U.S. Department of Labor, U.S. Department of Veterans Affairs, or the U.S. Office of Personnel Management to assemble a compendium of state veterans' preference criteria.

Develop a standardized definition of veterans' preference eligibility that would cover Federal, state, and local agencies. A new Federal statute defining the word "veteran" and directing that all Federal, state, and local government entities comply with this definition will have to be promulgated.

Rationale

Currently the term "veteran" is defined, by the Federal government, in seven Federal Statutes [5 USC 2108(1); 20 USC 1087vv(c), 26 USC 51(d)(s)(B); 29 USC 2801(49)(a), 38 USC 101(2), 38 USC 4211(4), and 42 USC 1592n(h)] and three Federal Regulations [5 CFR 211.102, 5 CFR 301.101, and 38 CFR 3.1] with six different definitions of the word "Veteran".

5 USC 2108(1) This statute, which is the governing OPM definition, excludes Cold War veterans and any veteran who hasn't received a Campaign Medal.

20 USC 1087vv(c), 38 USC 4211(4), and 5 CFR 301.101; Includes those individuals with General Under Other Than Honorable and Bad Conduct discharges.

The term veteran is defined differently by five state governments. **Florida Statutes, Section 295.07** excludes veterans who are not disabled veterans; **Illinois Compiled Statutes, Chapter 330, Section 55.1** excludes veterans who didn't serve during a period of hostilities. **Michigan Compiled Laws, Section 35.61 (1) (a)** concurs with 5 USC 2108(1). **Ohio Revised Code, Section 5901(A)(1) and (B)(1)** only require service on active duty and discharged/separated under honorable conditions. **Texas Statutes, Section 657.002** only requires the veteran serve for 90 days, but the service must be during a national emergency.

Issue 2

In some cases the length of service requirement (180 consecutive days) is unnecessarily restrictive as many serve only 179 days.

Recommendation

Replace the 180 consecutive days service requirement with the points system for Reserves and National Guard for the purpose of establishing veteran status, while keeping the 180 consecutive day service requirement in effect for Active Duty/ADT in regards to Veterans' Preference eligibility.

Symposium Steering Committee Note: The Symposium Steering Committee believes that the recommendation, as submitted, would discriminate against active duty personnel. Additionally the Federal government does not have a 180 consecutive days service requirement. The requirement is actually "for a period more than 180 days". A better recommendation would be replace the current "more than 180-day" service requirement with a requirement that the veteran serve on active duty for more than 180 days or for the entire period for which mobilized, unless separated for service-connected disability, whichever is shorter.

Rationale

It is apparent the Work Group desires to give the Guard and Reserve a greater benefit than that afforded to the regular components. The best way to do that would be to allow members of the National Guard or Reserve components to qualify for Veterans' Preference if they remained on active duty for the entire period in which they or their unit were mobilized for

Federal service. The statute should also be changed to include those who are separated from active duty due to a service-connected disability incurred prior to meeting the "over 180-day" requirement or prior to demobilization of their unit from Federal service.

This will require the Congress to enact changes to the existing Title 28 United States Code.

Issue 3

Unemployment rates of returning veterans are high. Returning veterans are underemployed and their skills are underutilized.

Recommendation

Compile state-by-state statistics on the hiring of veterans on all levels. Develop a national research database with this information. Task the U.S. Department of Labor, Veterans Employment and Training Service (DOL/VETS) to compile, and make available to the public, the statistics and database recommended.

Illinois, Texas and Michigan have automatic state scholarship programs for veterans. Encourage all states to benchmark these programs. It should be done in coordination and cooperation with the National Association of State Directors of Veteran Affairs (NASDVA) and will probably require state legislative changes or new state legislation.

Rationale

In actuality this report, in part, has already been mandated by Public Law 107-288 "The Jobs for Veterans Act" (Title 38 United States Code Chapter 42) (7 Nov 2002) and the recently proposed 41 CFR 61-300 (8 Aug 2006).

Additionally, DOL/VETS already utilizes a "Performance Outcomes by State" Report, which measures by state the percentage of veterans by an "Entered Employment Rate" and an "Employment Retention Rate". The report does not provide actual numbers of veterans. This report can be found at <http://www.dol.gov/vets/vetoutcomes/index.htm>.

Federal contractors must also file a VETS-100 Report annually. This report delineates the number of veterans employed in three categories, by position, and delineates the number of newly hired veterans in four categories, by position as well as a total of new hires, veteran and non-veteran. The report does NOT include all veterans employed and is only applicable to employers with Federal contracts exceeding \$25,000. The report form may be found at http://vets.dol.gov/vets100/vetsform_2006.pdf.

The Bureau of Labor Statistics has a number of reports available on the Department of Labor Web site. However, none of them differentiate between disabled veterans, non-disabled veterans and non-veterans.

Issue 4

Public sector does not hire enough veterans.

Recommendation

Consider establishing a list of occupations for which initial entry is restricted to qualified Veterans' Preference eligible candidates only. Establish the new list and expand this concept to other jurisdictions. This should be done by U.S. Office of Personnel Management in conjunction with DOL/VETS and will require new legislation. Additionally, the Congress will have to promulgate a change to Title 5, United States Code.

Rationale

Under current statute, Title 5 USC 3310, this list already exists. However, it appears, when reviewing the list, to be derogatory to veterans. The current list restricts entry into the following positions to Veterans' Preference eligibles: Guards, Elevator Operators, Messengers, and Custodians.

Issue 5

No effective system is in place to monitor or enforce compliance.

Recommendation

Establish a mechanism to monitor the percentage of Veterans' Preference eligibles being hired in the public sector. This could be done by the U.S. Office of Personnel Management (OPM) through regulation, but may require legislative changes to Title 5, United States Code, Section 1103.

Establish a list of Federal, state, and local government agencies, as well as major private corporations, and rank them based on their “veteran friendly” employment practices. Release this list to local and national media outlets for public recognition. This could be done by the OPM through regulation, but should also be coordinated through the National Association of State Directors of Veterans Affairs (NASDVA).

Rationale

The United States Office of Personnel Management already does this for Federal agencies in their annual report to Congress. The most recent report covers FY 2004 and was presented to Congress in December 2005.

Issue 6

There is a lack of communication of benefits between employers, veterans, training facilities and community-based organizations.

Recommendation

Develop a stronger marketing program to veterans, employers, training facilities, and community-based organizations. Marketing strategies would include mentorships between older and younger veterans. This would need to be accomplished, individually, by U.S. Department of Labor/Veterans Employment and Training Service, US Department of Veteran Affairs, the U.S. Office of Personnel Management, and state agencies, all assisted by the Veteran Service Organizations. There are no known statutes or regulations addressing this issue. It may be turned into an action item by agency directive.

Rationale

The United States Department of Labor, Veterans Employment and Training Service does an excellent job marketing programs to employers who have Federal contracts in excess of \$25,000 per year. However, they do not appear to target other civilian employers. Local Disabled Veteran Outreach Program (DVOP) and Local Veteran Employment Representatives (LVER) are a cross-section of the American veteran community. Many are hard working professionals; others are simply marking time until they can retire. DOL/VETS needs to do more hands-on inspection/supervision of these individuals who should be mentoring the veteran and targeting the local area employer.

The United States Department of Veterans Affairs does a very good job assisting service-connected disabled veterans rated 20% disabled or more. However, they do not provide assistance to lower rated service-connected or non-service-connected disabled veterans.

The United States Office of Personnel Management has an excellent program set up for veterans on their Web site. However, they do not adequately market this product to the veteran community.

The Veterans of Foreign Wars and Vietnam Veterans of America both offer job placement services through VetJobs (<http://www.vetjobs.com/>). AMVETS, Department of Ohio has six Career Centers located throughout the state (<http://www.amvetscareercenter.org/>). The VFW and VVA program does not appear to be marketed very well. It is linked from the VFW Web site, but you have to search for the link. It doesn't appear to be linked from the VVA site. The AMVETS program is only available in one state and does not appear to be linked from either the Department or National Web sites. Other Veteran Service Organization sites that were looked at do not appear to address the issue at all.

Issue 7

Civilian agencies do not recognize military training/skills.

Recommendation

Implement a pilot program to study and develop a transferable skills matrix for public and private sector programs or career tracks. This recommendation would require new legislation in Titles 10, 29, or 38 of the United States Code.

Rationale

The DOL/VETS, through it's “Hire Vets First Program”, offers an online military skills translator at <http://www.hirevetsfirst.gov/militaryskills.asp>. This appears to be an excellent program, however, there are a few issues with the program. It would appear that U.S. Army MOS 19K (Armored Assault Vehicle Crew Member) would have the potential, in the civilian market place, to include careers as heavy equipment operators, heavy equipment repair technicians, vehicle electrical/electronic repair technician, and heavy weapons repair technician. However, the program does not offer a “translation” to civilian skills. It's also not marketed as well as it could be to the veteran community and to employers.

Title 29, United States Code, Section 2913 does partially include this issue. Pilot programs are currently authorized by 29 USC 2916. Grants for pilot programs may be requested from the U.S. Department of Labor in accordance with 29 USC 2916a. However, Title 29 USC doesn't appear to go far enough.

The Department of the Navy offers a Web site (<https://www.cool.navy.mil/index.htm>) entitled Navy COOL. This is actually Credentialing Opportunities On-Line and will assist the sailor in finding what credentials are required for a given civilian profession and how they can be acquired while on active duty. Additionally, DOD provides a site through the Defense Manpower Data Center for "Verification of Military Experience and Training" (VMET). This site is supposed to provide the service member with verification of military training and comparative civilian equivalent occupations. However, when accessed, the site sent this message: "Thank you for visiting the VMET Web site. The Web site is down for a scheduled data update and it is projected to be back up as soon as possible – NLT 1700 hrs, Friday June 24, 2005..."

Issue 8

Young veterans have to learn to live independently of military/parental controls.

Recommendation

As part of discharge, enforce mandatory TAP classes (i.e.: comprehensive soft skills training, financial management). Disabled Veteran Outreach Program (DVOP) representatives and Local Veteran Employment Representatives (LVER) roles and responsibilities should be expanded to include workshops on soft skills. This may require changes to the Title 10, United States Code, Section 1142 and will require changes to DOD Directive 1332.35 and/or subordinate directives.

Rationale

In actuality, many of our young veterans have moved from an environment where everything of importance in their daily lives was taken care by their parents into an environment where it was all taken care of by the military. Many of these young men and women have no real training or experience in those routine items that the rest of us take for granted. This training should be provided them through the Transition Assistance Program.

Issue 9

Young veterans may lack the formal education (high school diploma/college degree) to access current job openings.

Recommendation

Steering Committee Note: The Steering Committee appreciates the work and effort expended by the members of the Employment work groups. Although we will look at the following area from time to time in the future, at this point we do not intend to pursue it as we feel the recommendation listed below has been resolved. Amplification is included in the rationale.

Offer the educational opportunities to acquire civilian training skills prior to active duty discharge. Provide military transcript upon discharge documenting military transferable skills to civilian careers.

Rationale

Enlisting in the United States Armed Forces without a High School Diploma or a General Educational Development (GED) Certificate is extremely rare. In most cases, a prospective applicant who is not a high school graduate or who does not have a GED may only enlist through the Delayed Entry Program. The individual will then have up to 12 months to meet the educational requirement while still guaranteeing a specific military occupational specialty. The American Council on Education (ACE), at <http://militaryguides.acenet.edu/>, will provide an electronic translation of your military rank and education into equivalent college credits. As an example, in ones Navy career path the Veteran would receive 30 semester hours of lower level credit and 12 hours of upper level credit towards a Bachelor's Degree. An individual emulating that career pattern today would receive 25 hours of lower level credit and 21 hours of upper level credit. Military personnel may take College Level Examination Program (CLEP) exams at no charge, veterans may take these examinations with reimbursement from the USDVA in accordance with PL 108-454. A service member may participate in CLEP examinations through ACE DANTES Subject Standardized Tests (DSST) at 560 military installations. These examinations will give the service member college credits in 37 subject areas in 6 disciplines. In essence, the service member has the opportunity to acquire as much as 90 credits in lower level Baccalaureate Degree courses and 21 credits towards upper level courses through CLEP testing. This does not include the opportunity for the service member to attend college classes during off-duty hours.

Military transcripts may be provided through the VMET program at Army Career and Alumni Program Centers, Navy Fleet and

Family Support Centers, Air Force Family Support Centers, and Marine Corps Career Resource Management Centers.

Issue 10

Lack of effective identification and translation of transitioning service members' skills to the civilian workforce.

Recommendation

TAP curriculum review, enforce mandatory attendance for all military personnel. This will require stronger direction from the Department of Defense and changes to Title 10, United States Code, Chapter 58.

Rationale

Title 10, USC, 1142 directs the Service Secretary to provide mandatory pre-separation counseling within 24 months of retirement or 12 months of discharge, unless the retirement or discharge is unanticipated, for each service member separating from service. In that case the retiree must attend the counseling within 12 months of retirement or 90 days of discharge. The Secretary has been directed NOT to provide counseling if the individual has less than 180 days service, unless being separated for disability. Department of Defense Instruction 1332.36 states that pre-separation counseling shall be made available at least 90 days prior to separation. This meets the requirement of the statute, but not the intent of the statute. Army Regulation 635-10, however, states that pre-transition processing shall start 120 days prior to separation. Chief of Naval Operations Instruction 1900.2A directs the Department of the Navy to comply with the 24/12 months directed in the statute. Department of Defense Directive 1332.35 states that service members may be provided transitional assistance services for up to 90 days AFTER separation, workload and space permitting.

The statute directs that the counseling include the following: educational assistance benefits and the Montgomery G.I. Bill; compensation and vocational rehabilitation programs administered by the USDVA, if the service member is being discharged/retired under 10 USC Chapter 61; procedures for affiliating with the Reserve; job placement service; spousal job placement service; relocation assistance; medical and dental care; counseling regarding career changes; financial planning; and creation of a transition plan. It does not include USDVA briefings on benefits for service members not being separated for disability.

Issue 11

Services and resources addressing employability are underutilized by veterans, including transitioning service members, Reserve, National Guard, and family members due to the inability to identify and access the resources.

Recommendation

Provide a comprehensive resource guide to service members that educates them on resources available to them in their geographic location; more effective marketing strategy that educates employers on the benefits of hiring veterans. This recommendation will require collaboration between the Department of Labor/Veterans Employment and Training Service (DOL/VETS) and the National Association of State Directors of Veteran Affairs (NASDVA).

Rationale

DOL/VETS offers nine different fact sheets on employment, TAP, training and homeless reintegration. However, there does not appear to be a specific single document or resource the veteran can access to find information on all of the various employment and training programs available. Currently, a veteran must research through a number of different programs offered by different organizations/agencies to access the needed information.

Issue 12

Inadequate demobilization services for Guard and Reserve.

Recommendation

Mandatory 90-day period that mandates a standardized transition assistance program that includes reintegration programs/services that are state specific. This recommendation will require stronger direction from the Department of Defense and stronger collaboration between the National Guard Bureau and the Adjutants-General of each state and territory.

Rationale

Army Regulation 635-10 specifically states that "This regulation applies to all Active Army personnel, Army National Guard of the United States (ARNGUS), and United States Army Reserve (USAR) members serving on initial active duty for training (IADT), full-time training duty (FTTD), active duty for training (ADT) for 90 days or more, special active duty training (SADT) for up to 179 days. Also included is Active Guard Reserve (AGR) for National Guard and US Army Reserve personnel providing

full-time support serving under the Long Tour Management Program in excess of 179 days.” Although the regulation doesn’t actually address the issue of National Guard and Reserve members serving on active duty for 180 days or more or for those mobilized for operational service, common sense would show that these men and women would be offered the same programs as members of the regular military components. This does not appear to be happening and should be included in the appropriate directives of all services.

Issue 13

Eligibility of employment programs for veterans and businesses hiring veterans are too restrictive.

Recommendation

Steering Committee Note: The Steering Committee appreciates the work and effort expended by the members of the Employment work groups. Although we will look at the following area from time to time in the future, at this point we do not intend to pursue it as we feel the recommendation listed below has been discussed in Issue 2 of this chapter. Amplification is included in the rationale.

Increase Vocational Rehabilitation to include all honorably discharged veterans. This will require new legislation in Title 38, United States Code, Chapter 31.

Rationale

Title 38, United States Code, Section 3100 states that “The purposes of this chapter are to provide for all services and assistance necessary to enable veterans with service-connected disabilities to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment.” In order to comply with this regulation 38 USC Chap. 31 will have to be rewritten in its entirety. There are ample programs available to the non-disabled veteran, albeit they should be promulgated in a single source document.

Issue 14

Self-employment programs do not meet the needs of transitioning veterans.

Recommendation

Provide a larger scope of resources, which include grant opportunities for new business capital, corporate sponsorship, and expanding USERRA to cover self-employment. This will require new legislation in Title 38, United States Code, Chapter 43 and possibly changes to the Veterans Entrepreneurship and Small Business Development Act of 1999 (P.L. 106-50)

Rationale

There are adequate laws, regulations, and programs available for transitioning veterans who are/were employed by private industry and public agencies. There are a number of organizations (e.g. The Veterans Corp.) in which veterans can access assistance in becoming an entrepreneur. However, the Uniformed Services Employment and Reemployment Rights Act (USERRA) only provides protection for service members who were employees or who are disabled veteran employees. It does not provide protection for the service member who owns and operates a small business. If, and when, that individual is mobilized the business becomes a prime target for closure and bankruptcy. USERRA needs to be modified to provide protections for those individuals.

Issue 15

Lack of enforcement of employment discrimination and reemployment rights.

Recommendation

Include the status of a Veteran class protected, under Title 29, 38, or 42, United States Code, against discrimination. This will require legislative changes to Title 42, United States Code.

Rationale

Title 29, United States Code, Chapter 14 prohibits age discrimination in employment. Title 42, United States Code, Chapter 21 prohibits discrimination in employment based on race, color, religion, sex, or national origin. There is nothing in either statute prohibiting discrimination based on veteran status.

Issue 16

Inequities in enforcement and laws from state to state.

Recommendation

Create a Uniform Veterans' Code to set a minimum standard (definition of a veteran, state USERRA equivalents, etc.) This will require new legislation under Title 38, United States Code.

Rationale

Rather than having to search through the entire United States Code and/or Code of Federal Regulations, move all statutes and regulations pertaining to veteran specific issues into Title 38, United States Code and Title 38, Code of Federal Regulations.

Issue 17

Lack of legal assistance for USERRA cases.

Recommendation

Have a dedicated legal professional in every state with USERRA expertise and enforcement authority. This may require new legislation within Title 18, United States Code and will require new regulation within Title 28, Code of Federal Regulations.

Rationale

There is no specific office or individual that handles USERRA claims within the Office of the Attorney General of Maryland. (It is assumed that this is true nationally). The veteran who is having his/her rights under USERRA being ignored or violated is currently required to hire a civilian attorney or work through DOL/VETS. If DOL/VETS is unable to resolve the issue successfully, the veteran must then go through the Department of Justice.

According to a spokesperson for the US Department of Justice, the US Attorney's Office (USAO) does handle USERRA claims. The primary problem is to get the claim to the USAO. Individuals cannot receive direct support from DOL/VETS because they are not equipped to do direct legal services. A DOL/VETS representative said they rely on DVA to provide them of information on the most meritorious cases so they can send a clear public message that violating this act will not be tolerated by the government. The solution appears to be two-fold: 1) find out who at DVA is responsible for receiving these claims; 2) meet with the USAO in that community and ask them to take on a couple of cases that will set a precedent and attract media attention. There do not seem to be enough USERRA violations to have one dedicated expert in every state. Reserve attorneys do receive annual training on USERRA.

Issue 18

Lack of education among service members, employers, and governmental agencies.

Recommendation

Improve the education process to better prevent USERRA violations and save money. This may require new legislation under Title 29, United States Code and new regulation under Title 20, Code of Federal Regulations.

Rationale

There is ample material available through DOL/VETS to educate service members, employers, and government agencies. However, outreach and distribution of the material is inadequate. DOL/VETS needs to increase the education process through the TAP briefings and through outreach programs with Federal and State agencies. State employment agencies and their assigned DVOPs and LVERs should use an outreach program to ensure local employers and National Guard units are educated.

Issue 19

Lack of a single, trusted, place to go for information and resources.

Recommendation

Provide an improved central USERRA resource for all agencies or departments of Federal, State, and local government, service members, and employers. This may be done through DOL/VETS education of government employment agencies and Human Resources personnel.

Rationale

A single source of information and advice has already been emplaced by the Department of Labor/Employment and Training Administration. As an example there are twenty-one (21) one-stop centers in Nebraska and twenty-five (25) of them in Maryland. DOL/ETA and the various state agencies, in accordance with the Workforce Investment Act of 1998, are responsible for providing a "single, trusted, place to go for information and resources." Unfortunately, only the unemployed veteran seems to go there. One flaw in the program, however, seems to be compliance. The Workforce Investment Act of 1998, Section 117(a)

states that there shall be a local workforce investment board to set policy for the statewide workforce investment system within the local area. Section 117(b)(2)(A)(iv) states that this board shall include representation from local veterans service organization posts and or chapters. The McHenry County (IL) Board, The Anne Arundel County (MD) Board, The Alameda County (CA) Board, and The Work Source Board (Baker, Clay, Duval, Nassau, Putnam, and St. Johns Counties, FL) do not have any VSO representation on their Boards. Workforce Escarosa (Escambia and Santa Rose Counties, FL) has a representative of the Navy League, which is not a true VSO. In order to provide a single, TRUSTED, place, the organizations need to comply with the Federal statute that governs their existence.

Issue 20

Failure at the critical first step when a USERRA violation occurs.

Recommendation

Provide a military unit designee (similar to an Equal Opportunity representative) as the “front line of defense” to quickly connect a service member with the proper contacts and prevent someone from “falling between the cracks.” This may be accomplished through DOD/DHS directive and/or service Secretary directive.

Rationale

It is common sense to provide a resource that is readily accessible to the service member.

Symposium Steering Committee Note: However, it is the belief of the Symposium Steering Committee that this is not a viable issue at this time. When the service member finds that his/her former employer is in violation of USERRA, the individual is no longer a service member and doesn't have access to military assistance. This issue should be deleted in favor of Issue 3.