

ROA backs National Guardsman with differential pay amicus brief

The Reserve Organization of America has filed an amicus brief to the U.S. Court of Appeals supporting a National Guardsman denied differential pay.



WASHINGTON, DC, UNITED STATES OF AMERICA, November 3, 2021

/EINPresswire.com/ -- The

congressionally chartered Reserve Organization of America in collaboration with Wiley Rein LLP has filed an [amicus brief](#) to the United States Court of Appeals for the Federal Circuit supporting a National Guardsman denied [differential pay](#) by the federal government for the period of his activation in support of contingency operations.



Answering the call should not result in financial penalty...We are acting to support this patriot and to create a precedent that stops future abuses dead in their tracks."

*Maj. Gen. Jeffrey E. Phillips,
U.S. Army (Ret.), Executive
Director, ROA*

To maintain a ready and strong national defense after World War II, Congress passed reemployment protections to boost the recruitment and retention of noncareer servicemembers in the National Guard and Reserves. These reemployment rights expanded, culminating in the 1994 Uniform Services Employment and Reemployment Rights Act ([USERRA](#)), which protects Reserve and Guard servicemembers against adverse employment actions.

One protection is the differential pay statute, which entitles reservists mobilized to active duty from the federal civilian workforce to increased compensation to close the

gap between the servicemember's military and civilian compensation. This differential pay is available throughout the entire period the servicemember is entitled to re-employment rights under USERRA. Employers from aerospace to grocery chains and several state governments elect to cover pay differences for their employees who are activated to serve in their military jobs.

The amicus brief filed by ROA supports a rehearing of *Bryan Adams v. Department of Homeland Security*. Adams, an Air National Guardsman and an employee of the Department of Homeland Security Customs and Border Protection, was activated and performed three periods of National

Guard military service.

Adams applied for differential pay and was denied, as his activation was on “non-contingency” orders, making him, according to DHS, ineligible to receive differential pay. His appeals were denied with the explanation that the work he was doing was “in support” of a contingency operation, not directly working in a contingency operation. ROA maintains that there should be no difference between supporting and “participating” in contingency operations; both roles are integral to mission success.

Since 9/11, more than one million members of the Reserve and National Guard have been activated to fight the war on terror. The training and service of these citizen-warriors is indistinguishable from those service members in the active component.

“ROA is proud to file this amicus brief, defending the employment rights of Mr. Adams, earned with faithful service to the nation,” said retired Maj. Gen. Jeffrey Phillips, ROA executive director. “Answering the call should not result in financial penalty. Our Reserve and National Guard have stood shoulder-to-shoulder with the active force throughout this fight for freedom. We are acting to support this patriot and to create a precedent that stops future abuses dead in their tracks.”

About ROA

ROA, founded in 1922, is America’s only exclusive advocate for the Reserve and National Guard – all ranks, all services. With a focus on Reserve and National Guard readiness, ROA supports the men and women of America’s Reserve Components, their families, and veterans of the Reserve force.

Maj. Gen. Jeffrey Phillips
Reserve Organization of America
+1 202-646-7701

[email us here](#)

Visit us on social media:

[Facebook](#)

[Twitter](#)

[LinkedIn](#)

[Other](#)

This press release can be viewed online at: <https://www.einpresswire.com/article/555467009>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2021 IPD Group, Inc. All Right Reserved.