

ROA urges Supreme Court to support Torres and veterans reemployment law

Supreme Court to decide if states can undermine essential USERRA reemployment law after hearing case of Army Reserve captain March 29



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The Reserve Organization of America

on the eve of the Supreme Court hearing that will decide whether state governors can violate the intent of the federal Uniformed Services Employment and Reemployment Rights Act urges the Court's justices to uphold USERRA's supremacy over the proven inclination of some state governments to abuse the veterans of their state who serve us all.



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Retired U.S. Army Maj. Gen. Jeffrey Phillips

Retired Army Reserve Capt. Le Roy Torres was disabled, [ROA](#) believes, by emissions from burn pits during his 2007-2008 tour of duty in Iraq. Progressively worsening and diagnosed as constrictive bronchiolitis and toxic encephalopathy, which is called toxic [brain injury](#), his condition forced him to stop working as a Texas Department of Public Safety state trooper.

The state of Texas refused to accommodate the soldier's reduced capacity with a less demanding position. Working its way through the Texas courts, ultimately the Texas Supreme Court refused to hear the case, dodging the issue by invoking the "sovereign immunity" of its state government.

"Captain Torres volunteered to serve his country, deployed to war, came home sickened and disabled by his experiences and deserves the support of the nation," said ROA's chief executive officer, retired U.S. Army Maj. Gen. Jeffrey Phillips.

Taking up advocacy for Torres, ROA twice wrote Texas Governor Greg Abbott, who has refused to make the simple and decent decision to order DPS to make accommodations for Torres.

“Captain Torres, representing many other veterans living with and yet to experience the ravages of battlefield toxicity, will get his day in court Tuesday,” said Phillips. “ROA is especially thankful for the incredible courage and tenacity of Rosie Torres, Le Roy’s wife. Rosie has led the fight for her husband and for all those sickened by battlefield toxicity.”

Rosie Torres, in a years-long fight, founded the group Burnpits360.org, which advocates for action by the Pentagon and by Congress to reduce the causes of battlefield toxicity and care for those disabled by its effects.



Corpus Christi billboard supporting Le Roy Torres cites ROA support

The fight for her husband and all veterans afflicted by toxicity has attracted the advocacy of celebrity Jon Stewart. Support for Torres by ROA was shown on a [Texas billboard](#). Further, ROA submitted two amicus briefs to the Court in support of the case, and has interviewed Mrs. Torres for its Reserve Review video blog.

Battlefield toxicity has affected U.S. service members since at least World War I, with its mustard gas attacks by enemy forces; more recent examples include the cancerous effects of asbestos on warship crews, Agent Orange during the Vietnam War, the “Gulf War Syndrome” of Operation Desert Storm, and burn pits. Troubling evidence is now surfacing that electronic emissions from aircraft avionics may be causing cancers among aircrews.

In every case, advocates note, the government these men and women bravely served with great fidelity refused to support them until great external pressure was brought to bear. ROA, regretful that it must be done with such outrageous regularity, is nonetheless proud to be among the advocates bringing that pressure to bear.

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