R. Alexander Acosta, United States Attorney for the Southern District of Florida, announced today that a settlement has been reached on behalf of John W. Brainard, a retired Major of the United States Army, for potential violations of the Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA" or "the Act"), 38 U.S.C. §§ 4301-4333, against major defense contractor Pratt & Whitney, a division of United Technologies Corp., EDF Company ("EDF"), Inc., and ADP TotalSource, Inc ("ADP").

USERRA prohibits employment discrimination based on a person’s past or present service in our nation’s military. The Act requires employers to rehire employees whose absence from the job was caused by their military service. Hence, returning military personnel are legally entitled to return to their old jobs or to new comparable positions.

John Brainard worked at Pratt & Whitney’s Jet Propulsion site in Palm Beach County, Florida, under an outsource labor contract between Pratt & Whitney and EDF Company. On April 24, 2002, Brainard, a Major with the United States Army Reserve, was called to active military service. For the next six months, Brainard was stationed primarily overseas in Kuwait. He was released from active duty in October and returned home. Upon his return to work on October 21, 2002, Brainard was informed that his job had been eliminated. No comparable position was offered to him.

In documents signed today, the companies denied violating the provisions of the Act, but agreed to settle Brainard’s claims. The companies will pay Brainard $30,000.

United States Attorney Acosta stated, “Our involvement in obtaining this settlement on behalf of Mr. Brainard signals our commitment to support the men and women whose service helps
preserve our freedom. Military servicemen and servicewomen deserve our thanks and our respect. The law makes clear that employers cannot penalize employees because of their service to our nation, and this Office will act vigorously to enforce that law."

Mr. Acosta commended the investigative efforts of the Department of Labor. The case is being prosecuted by Assistant United States Attorney Aimee Jimenez.

A copy of this press release may be found on the website of the United States Attorney's Office for the Southern District of Florida at www.usdoj.gov/usao/fls. Related court documents and information may be found on the website of the District Court for the Southern District of Florida at www.flsd.uscourts.gov or on http://pacer.flsd.uscourts.gov.