

## **Military Service: Nurse Sues For Employment Discrimination.**

A nurse had served in the US Army Reserve as a nurse for many years. Over the years his hospital employer consistently met its legal obligation to grant him leave for military training exercises.

He applied for a leave of absence for a non-military clinical internship and then after a complicated series of events resigned his nursing position.

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***The US Uniform Services Employment and Re-employment Rights Act was enacted by Congress to encourage participation in the military reserves.***

***The Act prohibits denial of any benefit of employment to members of uniformed services based on membership or performance of military reserve service.***

***Able employees are entitled to full reinstatement in their civilian jobs after periodic reserve service.***

UNITED STATES DISTRICT COURT  
PUERTO RICO  
September 2, 2005

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The US District Court for the District of Puerto Rico acknowledged that his employer had no right to discriminate against him in any way for being a member of the reserves or for taking leave for military training and service.

However, that being said, the court believed the evidence was inconclusive that the dispute over a leave for a civilian clinical internship had any relationship to his military reserve status, and dismissed the case. **Figueroa Reyes v. Hospital San Pablo Del Este**, \_\_ F. Supp. 2d \_\_, 2005 WL 2124619 (D. Puerto Rico, September 2, 2005).