



*United States Attorney
Southern District of New York*

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MANHATTAN U.S. ATTORNEY SUES NEW YORK CITY
FOR REDUCING RESERVIST'S PENSION BENEFIT
BECAUSE OF MILITARY SERVICE

PREET BHARARA, the United States Attorney for the Southern District of New York, announced today that the U.S. Attorney's Office has filed a lawsuit against the City of New York, the New York City Police Department ("NYPD"), and the New York City Police Pension Fund on behalf of U.S. Army Reserve member DAVID GOODMAN under the Uniformed Services Employment and Reemployment Act of 1994 ("USERRA"). The Complaint alleges that these City entities unlawfully reduced GOODMAN's pension because of his military service.

According to the Complaint filed in Manhattan federal court:

GOODMAN began working for the NYPD in 1992 and was a Detective for the ten-year period prior to his retirement in 2009. GOODMAN has been a member of the U.S. Army Reserves since 1981 and currently holds the rank of second lieutenant. He has been called to active military duty on multiple occasions, including a one-year period of service in Iraq from 2002 to 2003, and a six-month period of service in Iraq between 2008 and 2009. GOODMAN also served for six months in Afghanistan in 2004, and for six months in Jordan between 2005 and 2006, during which time he helped train Iraqi counterterrorism forces.

As a retired NYPD officer and member of the Police Pension Fund, GOODMAN is entitled to receive a monthly pension benefit. In determining a servicemember-employee's pension benefit, USERRA requires that the employer take into account the compensation that the servicemember would likely have earned had he or she not been performing military service, including but not limited to overtime hours and night differential pay. Otherwise, the servicemember loses out on benefits that he or she would have been reasonably likely to receive but for his or her military service. As alleged in the Complaint, however, the City

unlawfully calculated GOODMAN'S pension by relying exclusively upon his base pay rate -- without including any compensation he would have earned had he not been on active military duty prior to his retirement.

The Complaint filed today seeks to require the City to lawfully calculate GOODMAN's pension benefits as well as the pension benefits of other NYPD officers who have been called to perform military service. The Complaint also seeks to have the City remit the additional pension benefits owed as a result of performing these recalculations.

Mr. BHARARA thanked the Department of Justice's Civil Rights Division for its assistance in the case.

U.S. Attorney PREET BHARARA said: "Our soldiers, who continue to risk their lives every day to keep American safe, deserve the same employment benefits as their civilian colleagues. The alleged refusal of city officials to correctly calculate the pension benefits of a serviceman effectively penalized him for his brave defense of our country."

This case is being handled by the Civil Rights Unit of the Office's Civil Division. Assistant United States Attorney TARA M. La MORTE is in charge of the case.

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