

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEPHEN ALASIN,

Plaintiff,

v.

ECOLAB, INC.,

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, Stephen Alasin ("Alasin"), by the undersigned attorneys, makes the following averments:

1. This is a civil action brought pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301 - 4333 ("USERRA").

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 38 U.S.C. § 4323(b).

3. Venue is proper in this district under 38 U.S.C. § 4323(c)(1) and 28 U.S.C. § 1391(b). Defendant, Ecolab, Inc. ("Ecolab"), is a company that maintains a place of business in this judicial district. Additionally, a substantial part of the events giving rise to the claim occurred in this district.

CLAIM FOR RELIEF

4. In March 1998, Alasin was hired by Ecolab as a service specialist in its Pest Elimination Division in Michigan. Alasin was promoted to a senior service specialist in March 2001.

5. Alasin enlisted in the Army in early 2003. Alasin promptly notified Ecolab in approximately February 2003 that he had enlisted in the military and would need to leave Ecolab in approximately one month. Prior to his departure from Ecolab, Alasin also notified his supervisor that he was interested in returning to the company upon his return from military service.

6. Alasin left his employment with Ecolab in March 2003 and began active duty service in the Army on April 2, 2003. During part of his service Alasin was assigned to a combat zone in Iraq. He was awarded several medals including the Army Achievement Medal (Second Award), the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, and the Global War on Terrorism Service Medal.

7. Alasin was honorably discharged from the Army on February 10, 2006.

8. Alasin timely sought reemployment with Ecolab by contacting Senior Human Resources Representative Kaye Carlson. Additionally, as directed by Ecolab, Alasin applied for reemployment on its web-based application system on February 2, 2006.

9. Ecolab failed to reemploy Alasin.

10. Alasin timely filed a complaint with the Department of Labor ("DOL") regarding Ecolab's failure to reemploy him.

11. The DOL's Veterans Employment and Training Service ("VETS") conducted an investigation, and determined that Alasin's claim had merit.

12. Ecolab has violated Sections 4312 and 4313 of USERRA by, among other ways, failing to promptly reemploy Alasin upon his return from military duty to either the position he would have held had his employment not been interrupted by his military service, or to a position of like seniority, status and pay.

13. Ecolab's actions were willful under 38 U.S.C. § 4323(d)(1)(C).

14. Because of Ecolab's conduct, Alasin has suffered monetary damages, including lost benefits, in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Alasin prays that the Court enter judgment against Ecolab as follows:

A. Declare that Ecolab's failure to promptly and properly reemploy Alasin following his military duty was unlawful and in violation of USERRA;

B. Order Ecolab to fully comply with the provisions of USERRA, and pay Alasin for lost earnings, with interest, and benefits suffered by reason of Ecolab's failure or refusal to comply with USERRA;

C. Order Ecolab to pay Alasin liquidated damages;

D. Order Ecolab to fully comply with the provisions of USERRA and offer to reemploy Alasin and place Alasin at the appropriate seniority, status and compensation that he would have attained had he remained employed continuously with Ecolab until the present, including during the time of his military duty;

E. Enjoin Ecolab from failing to comply in the future with all provisions of USERRA; and

F. Grant such other and further relief as may be just and proper together with the costs and disbursements of this lawsuit.

JURY DEMAND

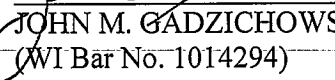
Stephen Alasin hereby demands a trial by jury of all issues so triable.

Date:

Respectfully submitted,

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