

See VOL

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

2007 AUG -7 A 11:32

U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

BERNARD WOODRUFF,

Plaintiff,

v.

DTI ASSOCIATES, INC.,

Defendant.

Civil Action No. 1:07cv774
TSE/TRJ

COMPLAINT

Plaintiff, Bernard Woodruff ("Woodruff"), 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)(2) and 28 U.S.C. § 1391(b). Defendant, DTI Associates, Inc. ("DTI"), maintains its headquarters at 2920 South Glebe Road, Arlington, Virginia, 22206, within this judicial district.

PARTIES

4. Woodruff resides at 1660 Yorktown Court, Crofton, Maryland 21114.
5. Based in Arlington, Virginia, DTI is a wholly-owned subsidiary of Haverstick Consulting, Inc. and provides certified engineering, technology, and professional services as a contractor to government customers, including the Departments of Labor, Education and Agriculture, the U.S. Navy, NASA and the Small Business Administration.

CLAIM FOR RELIEF

6. On October 1, 2001, Woodruff began working for DTI. He worked as a Senior Analyst on DTI's Common Command & Decision Navy ("CCDN") project.
7. While working for DTI, Woodruff also served in the Navy Reserves.
8. On January 22, 2002, the Navy told Woodruff that he was being mobilized in support of Operations Noble Eagle, Enduring Freedom, and Iraqi Freedom.
9. That same day, Woodruff informed his direct supervisor at DTI, John Baker, of his mobilization.
10. On January 23, 2002, Woodruff reported for active duty in Annapolis, Maryland.
11. The Navy released Woodruff from active duty on July 21, 2003.
12. On August 7, 2003, Woodruff sent a facsimile to DTI to request reemployment.
13. On August 17, 2003, Woodruff contacted Dave Carter, DTI's Director of Military Services, to again request reemployment.
14. Carter set up a September 15, 2003 meeting between Woodruff and Baker to discuss Woodruff's reemployment.
15. At the September 15, 2003 meeting, DTI informed Woodruff that it did not have any available position in which to re-employ him.

16. On September 30, 2003, Woodruff filed a claim with the Veterans Employment and Training Service Office of the U.S. Department of Labor.

17. On October 9, 2003, DTI sent Woodruff a letter discharging him from employment with DTI .

18. As a result of DTI's failure to re-employ and discharge of Woodruff, he has suffered substantial loss of earnings and other benefits.

19. On information and belief, at the time, DTI had an outstanding performance record, consistent and predictable financial results year-over-year, a loyal client base, multiple contract vehicles, a strong Washington presence, and over 350 highly energized associates.

20. In January 2004, DTI became a wholly-owned subsidiary of Haverstick Consulting, Inc. At the time of the acquisition, Haverstick projected its 2004 revenues to reach \$100 million.

21. In January 2006, the United States Navy awarded DTI a new, five-year, \$49 million contract.

PRAYER FOR RELIEF

WHEREFORE, Woodruff prays that the Court enter judgment against DTI as follows:

22. Declare that DTI's refusal to reemploy Woodruff was unlawful and in violation of USERRA;

23. Declare that DTI's discharge of Woodruff on October 15, 2003 was unlawful and in violation of USERRA;

24. Require that DTI fully comply with the provisions of USERRA by offering to reemploy Woodruff in a position of like pay, status and benefits as the position he would have been entitled to if he had not been called away on military service;

25. Require that DTI fully comply with the provisions of USERRA by paying Woodruff all amounts due to him for his loss of wages and any lost benefits caused by DTI's failure or refusal to comply with the provisions of this law;

26. Enjoin DTI from taking any action against Woodruff that fails to comply with the provisions of USERRA;



27. Award Woodruff prejudgment interest on the amount of lost wages found due;
and

28. Grant such other and further relief as may be just and proper.

Respectfully submitted,

WAN J. KIM
Assistant Attorney General
Civil Rights Division

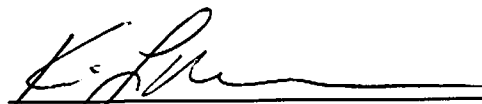
By:

KAREN D. WOODARD, Deputy Chief*
JEFFREY G. MORRISON, Trial Attorney*
U.S. Department of Justice
Civil Rights Division
Employment Litigation Section
950 Pennsylvania Avenue, NW
Patrick Henry Building, Room 4613
Washington, DC 20530
Telephone: (202) 353-1845
Facsimile: (202) 353-8961
jeffrey.morrison@usdoj.gov

CHUCK ROSENBERG
United States Attorney
Eastern District of Virginia

By:



KEVIN J. MIKOLASHEK
Assistant United States Attorney
United States Attorney's Office, Eastern District of Virginia
Justin W. Williams United States Attorney's Building
2100 Jamieson Avenue
Alexandria, Virginia 22314
Telephone: (703) 299-3809
Facsimile: (703) 299-3983
kevin.mikolashek@usdoj.gov

Attorneys for Plaintiff Bernard Woodruff

**Pro hac vice* application pending

CERTIFICATE OF SERVICE

I hereby certify that today I served the foregoing **Complaint** on the counsel of the defendant via U.S. first-class mail, postage prepaid, to the following address:

Daniel E. Johnson, Esq.
McKenna Long & Aldridge
1900 K Street, N.W.
Washington, DC 20006

Dated this 7th day of August, 2007



KEVIN J. MIKOLASHEK

Assistant United States Attorney
United States Attorney's Office, Eastern District of Virginia
Justin W. Williams United States Attorney's Building
2100 Jamieson Avenue
Alexandria, Virginia 22314
Telephone: (703) 299-3809
Facsimile: (703) 299-3983
kevin.mikolashek@usdoj.gov