

Service Member Reemployment Rights: Enhanced Education and Additional Training Could Improve Investigations

GAO-26-108197

Q&A Report to Congressional Committees

June 16, 2026

Why This Matters

U.S. military readiness depends on service members who are prepared to serve when called. The Uniformed Services Employment and Reemployment Rights Act (USERRA) was enacted in 1994 to protect the civilian careers of service members by ensuring that they are not disadvantaged in their employment because of their military obligations. For example, service members in the reserve components of the Armed Forces may leave civilian employment if called to duty then reenter the civilian workforce once their service has ended. Under USERRA, service members are entitled to be reemployed in the civilian jobs they left to serve in the uniformed service. However, some service members have faced challenges with retaining or resuming employment in their civilian jobs. Service members can file a complaint when they believe their rights under USERRA have been violated. The Department of Labor's (DOL) Veterans' Employment and Training Service (VETS) is responsible for administering USERRA, investigating these complaints to determine whether a USERRA violation occurred, and working with the service member and their employer to resolve violations.

Upon request, VETS refers complaints to a law enforcement entity that can help service members seek monetary or other relief. For example, if VETS cannot resolve a complaint—such as by obtaining the employer's agreement to reinstate the service member or provide backpay—it informs the service member of their right to ask that the complaint be referred to the Department of Justice (DOJ) or to the Office of Special Counsel (OSC) for further review and possible DOJ representation in federal court or OSC representation before the Merit Systems Protection Board.

The Senator Elizabeth Dole 21st Century Veterans Healthcare and Benefits Improvement Act includes a provision for us to review VETS's methods for processing USERRA complaints. This report describes trends in USERRA complaint investigations data from fiscal year (FY) 2021 through FY 2025 and the steps VETS takes to investigate USERRA complaints. It also assesses challenges in the investigation process and training provided to investigators.

Key Takeaways

- According to our review of USERRA complaint data, VETS closed between 861 and 1,380 complaints each fiscal year from FY 2021 through FY 2025. During that period, complaints against private companies were most common, and complaint closure times increased approximately 22 percent. Additionally, most USERRA complaints were recorded as closed for administrative reasons (34 percent) or were not substantiated because of insufficient evidence (30 percent).
- Although VETS has some resources to help service members understand USERRA and whether their complaint could be eligible for relief under

USERRA before they file a complaint, additional resources would be helpful, according to some investigations staff with whom we spoke and our review of the information available on VETS's website.

- VETS provides standardized training to new investigators and some recurring training to all investigators. However, some VETS investigators stated that the recurring training did not meet their needs.
- We recommend that VETS review its existing resources on USERRA and identify and implement options to streamline or modify them to help service members better understand their potential eligibility under USERRA before filing a complaint as well as the evidence needed to show that an employer action constitutes a USERRA violation. We also recommend that VETS assess and take steps to address investigator training needs.

What is USERRA?

USERRA provides individuals with employment-related protections and rights based on their current or prior uniformed service or their intent to join the uniformed services (for the purposes of this report, we refer to these individuals as “service members”).¹ Specifically, USERRA prohibits employers from discriminating against service members or retaliating against those who attempt to enforce service members’ or others’ rights under the Act.² USERRA also provides reemployment rights for service members who must leave their jobs to satisfy military obligations. Under USERRA, service members generally must be reemployed with the seniority, status, and rate of pay they would have had if they had been continuously employed during the period of their service.³

How does VETS enforce USERRA?

VETS enforces USERRA by investigating and resolving complaints of USERRA violations, among other efforts.⁴ VETS’s broader mission is to prepare America’s veterans, service members, and military spouses for meaningful careers; provide them with employment resources and expertise; protect their employment rights; and promote their employment opportunities.

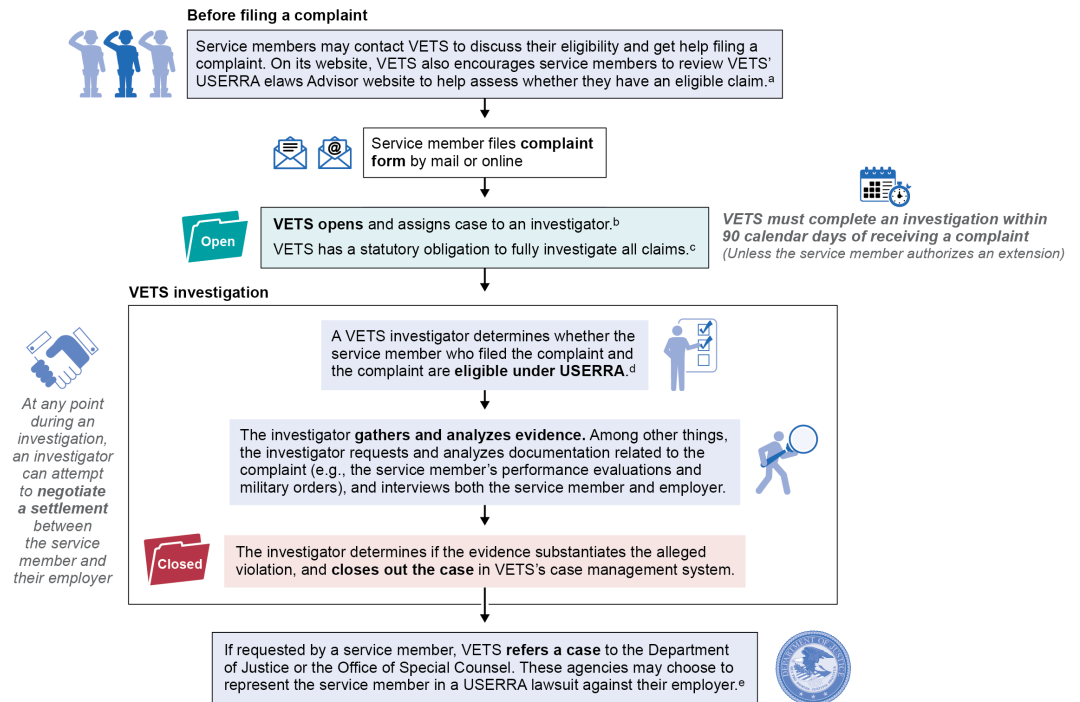
VETS’s national office and six regional offices are involved in USERRA investigations. The national office, based in Washington, D.C., provides overall guidance for USERRA investigations, establishes relevant policies and procedures, and oversees investigations nationwide. Staff based in VETS’s six regions—Atlanta, Boston, Chicago, Dallas, Philadelphia, and San Francisco—conduct the investigations. We discuss the investigation process in greater detail later in this report.

VETS regional office staff also conduct outreach activities to educate service members and employers about USERRA. For example, an investigations manager from a VETS regional office said his staff speak at “Yellow Ribbon” events, which are held when large groups of service members return from service. According to this official, at these events, VETS staff discuss service members’ rights and provide information to employers about USERRA.

How does VETS investigate USERRA complaints?

VETS takes multiple steps to investigate USERRA complaints, including opening a case and assigning it to an investigator, determining eligibility under USERRA, gathering and analyzing evidence, attempting to negotiate a settlement between the employer and the service member, and closing the case (see fig. 1).

Figure 1: Overview of the Uniformed Services Employment and Reemployment Rights Act (USERRA) Investigation and Settlement Process



Source: GAO analysis of Department of Labor Veterans' Employment and Training Service (VETS) data; GAO and Adobe Stock (icons). | GAO-26-108197

^aSee "USERRA Advisor," elaws Advisors, U.S. Department of Labor, accessed March 27, 2026, <https://webapps.dol.gov/elaws/vets/userra/>. The elaws (Employment Laws Assistance for Workers and Small Businesses) Advisors are interactive online tools developed by the U.S. Department of Labor to help employers and employees learn about their rights and responsibilities under numerous federal employment laws, including USERRA.

^bIn May 2025, VETS replaced its region-specific case assignment process with a national process. According to officials, VETS made this change to balance staff workloads after recent staffing reductions. Under the national case assignment process, VETS lists all its investigators in alphabetical order and generally assigns a case to the next investigator on the list, regardless of their geographic location. VETS previously assigned cases to an investigator located in the VETS region where the employer involved in the USERRA complaint was located. According to VETS officials, in April 2026, VETS began the process of automating the case assignment process through its case management system. Officials said that case assignments will be driven by investigator availability and active case volume. Officials said that they plan to implement this automated process in July 2026.

^c 38 U.S.C. § 4322(a), (d).

^dSee 38 U.S.C. §§ 4311-16.

^eA service member has a right to request that VETS refer their case to the Department of Justice (DOJ) or the Office of Special Counsel (OSC), as appropriate, once an assigned investigator has investigated their claim, determined whether a USERRA violation occurred, and closed the case. DOJ has jurisdiction for complaints filed against private sector, state, and local government employers. OSC has jurisdiction for complaints filed against federal employers. VETS generally must submit a case referral to DOJ or OSC within 60 calendar days of their receipt of a referral request.

VETS has a statutory obligation to investigate all complaints it receives.⁵ VETS is also required to complete its investigation of all USERRA cases within 90 days, or within the time frame indicated for any agreed upon extensions.⁶ A complaint must meet specified requirements to be considered a formal complaint. In particular, it must (1) be filed in writing using VETS Form 1010 or electronically using VETS Form e1010 and (2) contain the employer's name and address, a summary of the basis for the complaint, and a request for relief.

According to VETS national office officials, VETS's case management system automatically prevents service members from filing a complaint electronically if the complaint does not include all required elements. The system then directs service members to contact VETS for technical assistance.⁷

How many USERRA complaints did VETS close from FY 2021 through FY 2025, and what were their most common characteristics?

VETS closed 5,433 complaints from FY 2021 through FY 2025, and these complaints had several common characteristics. Specifically, VETS investigators closed between 861 and 1,380 complaints each fiscal year from FY 2021 through FY 2025 across its six regions (see table 1). Most complaints involved private employers. Complaints were initiated by service members who most often worked in protective service or law enforcement. The most common complaint was alleged discrimination related to the service member’s military obligations.

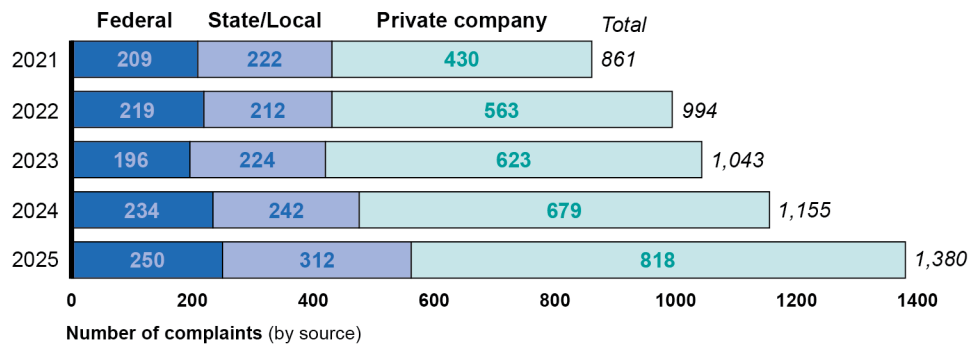
Table 1: Closed Uniformed Services Employment and Reemployment Rights Act (USERRA) Complaints by Department of Labor Veterans’ Employment and Training Service (VETS) Regions, Fiscal Years 2021–2025

Fiscal year	VETS region						All regions
	Atlanta	Boston	Chicago	Dallas	Philadelphia	San Francisco	
2021	139	111	171	139	140	161	861
2022	181	126	180	166	155	186	994
2023	205	116	220	178	144	180	1,043
2024	223	126	239	188	174	205	1,155
2025	248	154	280	230	244	224	1,380

Source: GAO analysis of VETS data. | GAO-26-108197

Employer type. Complaints against private companies consistently accounted for about half or more of the complaints closed each fiscal year from FY 2021 through FY 2025. Over that period, complaints against state and local agencies accounted for about one-fifth of total closed complaints. Complaints against federal agencies also accounted for about one-fifth of all closed complaints (see fig. 2).

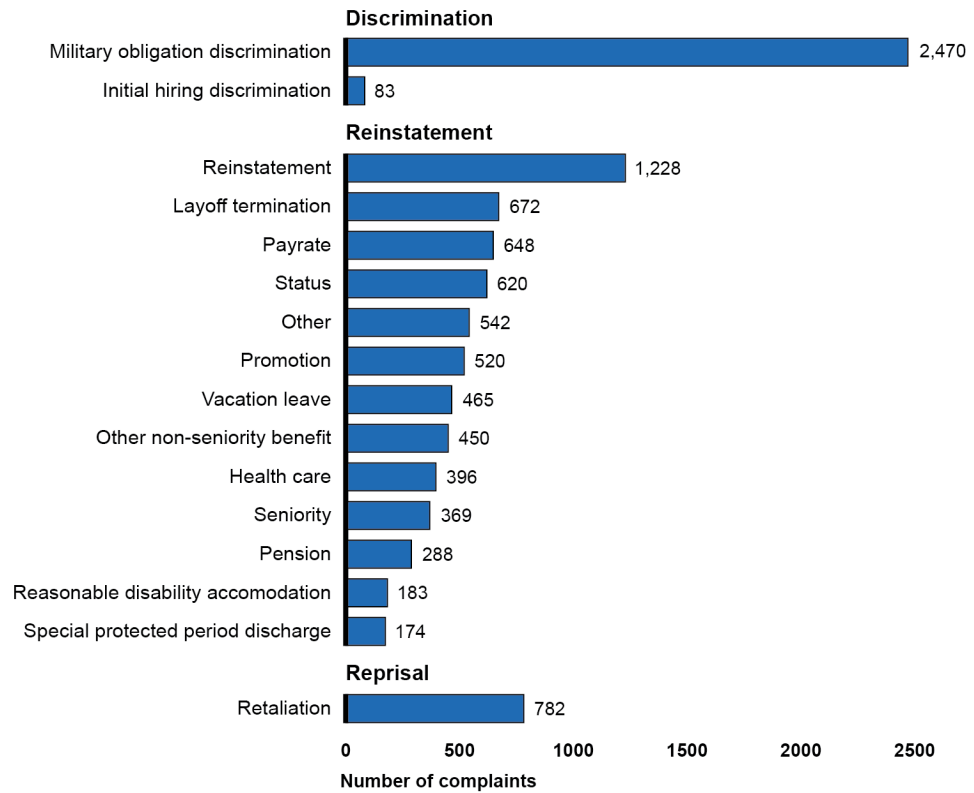
Figure 2: Closed Uniformed Services Employment and Reemployment Rights Act (USERRA) Complaints by Employer Type, Fiscal Years 2021–2025



Source: GAO analysis of Veterans’ Employment and Training Service (VETS) USERRA complaint data. | GAO-26-108197

Complaint category. USERRA complaints are generally classified into three categories: discrimination, reinstatement, and reprisal. Within these categories, service members can choose one or more specific issues.⁸ Discrimination related to military obligations and job reinstatement were the most frequently cited issues in USERRA complaints closed from FY 2021 through FY 2025 (see fig. 3).

Figure 3: Closed Uniformed Services Employment and Reemployment Rights Act (USERRA) Complaints by Category, Fiscal Years 2021–2025



Source: GAO analysis of Veterans' Employment and Training Service (VETS) USERRA complaint data. | GAO-26-108197

Note: Complaints can contain one or more issues that correspond to potential USERRA violations that the service member or a VETS investigator identifies. As a result, the data on the number of complaints in this figure total more than the 5,433 complaints VETS closed during these fiscal years.

Service member demographics. Of the service members who filed USERRA complaints in FY 2024 and FY 2025 and reported their gender, about 80 percent listed their gender as male, and almost 20 percent listed their gender as female.⁹ On average, in FY 2024 and FY 2025, 61 percent of the service members reported their race as White; 23 percent as Black; and 14 percent as Asian, American Indian, Native Hawaiian, or other.¹⁰

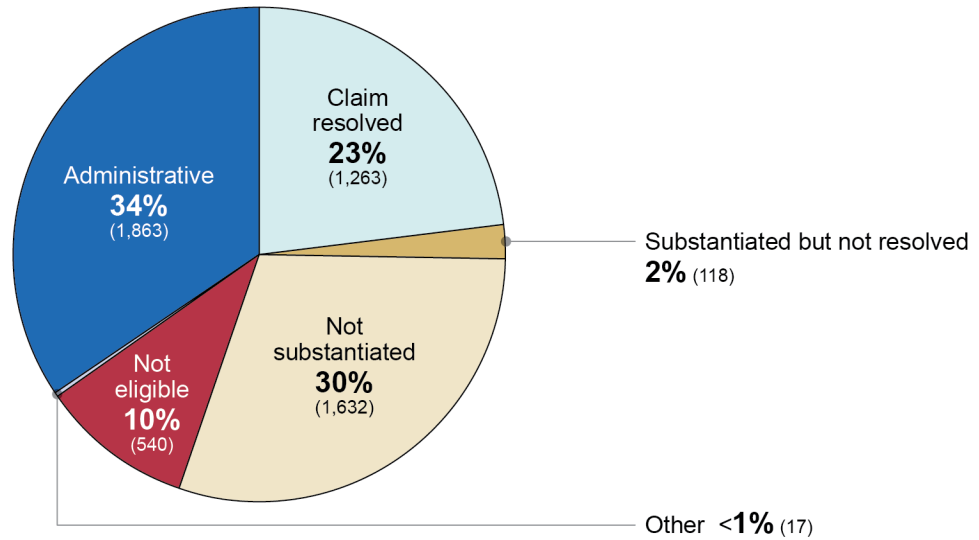
Service member occupation and industry. Service members filing complaints from FY 2021 through FY 2025 most often worked in protective service and law enforcement. These occupations included police patrol officers, security guards, correctional officers, and firefighters, along with operation managers.

Employers from several major industries were associated with the largest number of USERRA complaints, according to our review of USERRA complaint data from FY 2021 through FY 2025. Specifically, employers from industries related to transportation and logistics, retail trade, and security services accounted for high numbers of USERRA complaints during that time period.

What were the most common reasons VETS closed USERRA complaints from FY 2021 through FY 2025?

From FY 2021 through FY 2025, VETS most commonly closed USERRA complaints for administrative reasons (34 percent), because the complaint was not substantiated (30 percent), because the complaint was resolved (23 percent), or because the complaint was not eligible (10 percent).¹¹ See figure 4.

Figure 4: Uniformed Services Employment and Reemployment Rights Act (USERRA) Complaints by Closure Types, Fiscal Years 2021–2025



Source: GAO analysis of Veterans' Employment and Training Service (VETS) USERRA complaint data. | GAO-26-108197

Across the six VETS regions, from FY 2021 through FY 2025, the distribution of USERRA complaint closure types largely mirrored the overall USERRA complaint closure pattern, with the largest share of complaints closed for administrative reasons or because they were not substantiated. See table 2.

Table 2: USERRA Complaint Closures, by Type and VETS Region, Fiscal Years 2021–2025

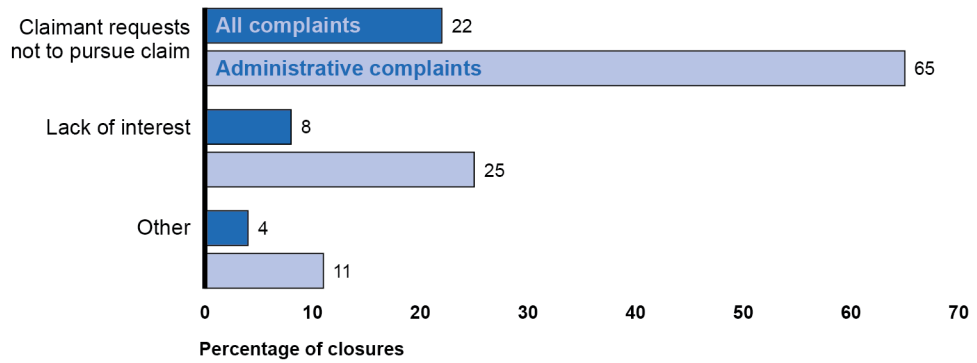
VETS region	USERRA complaint closure types						Total complaints
	Administrative	Claim resolved, settled, or granted	Not substantiated	Not eligible	Substantiated but not resolved	Other	
Atlanta	35% (349)	17% (168)	33% (328)	14% (143)	1% (8)	-	996
Boston	39% (244)	29% (186)	24% (153)	6% (36)	2% (13)	0% (1)	633
Chicago	35% (381)	26% (286)	33% (359)	3% (31)	2% (27)	1% (6)	1,090
Dallas	27% (240)	25% (222)	35% (311)	11% (100)	3% (26)	0% (2)	901
Philadelphia	38% (328)	18% (155)	26% (226)	15% (127)	2% (16)	1% (5)	857
San Francisco	34% (321)	26% (246)	27% (255)	11% (103)	3% (28)	0% (3)	956

Source: GAO analysis of Uniformed Services Employment and Reemployment Rights Act (USERRA) complaint data and Department of Labor Veterans' Employment and Training Service (VETS). | GAO-26-108197

Administrative closures. VETS can close a complaint for administrative reasons under seven defined circumstances according to its investigations manual.¹² VETS uses the administrative closure code to close complaints before completing an investigation or making a determination of merit.¹³

Sixty-five percent of complaints closed for administrative reasons (or 22 percent of all complaints) were closed because the service member asked not to pursue the complaint. According to VETS officials, a service member (claimant) may elect not to pursue a USERRA complaint for various reasons, including if they have filed a related complaint with another federal agency or are no longer employed by the employer involved. Additionally, one-quarter of administrative closures (or 8 percent of all complaints) were due to a “lack of interest,” indicating that the service member did not respond to several attempts to contact them. See figure 5.

Figure 5: Reasons for Uniformed Services Employment and Reemployment Rights Act (USERRA) Administrative Closures, Fiscal Years 2021–2025



Source: GAO analysis of Veterans' Employment and Training Service (VETS) USERRA complaint data. | GAO-26-108197

Note: Other types of administrative closures include the USERRA complaint being associated with an active federal or state court proceeding or the service member being temporarily unavailable or working with another military support resolution program.

There was a similar distribution pattern among USERRA complaints closed for administrative reasons across VETS's regions, although there was some regional variation. Specifically, service members' requests not to pursue their USERRA complaints consistently represented the largest share of administrative closures, ranging from 54 to 74 percent across all six regions. Closures due to a lack of interest from service members ranged from 20 to 37 percent, and closures related to other administrative reasons ranged from 7 to 20 percent (see table 3).

Table 3: Reasons for USERRA Administrative Closures by VETS Region, Fiscal Years 2021–2025

VETS region	USERRA administrative closure types		
	Claimant requests not to pursue	Lack of interest	Other
Atlanta	58% (201)	22% (77)	20% (71)
Boston	74% (180)	20% (48)	7% (16)
Chicago	54% (207)	37% (142)	8% (32)
Dallas	70% (167)	23% (56)	7% (17)
Philadelphia	68% (224)	22% (71)	10% (33)
San Francisco	71% (227)	20% (63)	10% (31)

Source: GAO analysis of Uniformed Services Employment and Reemployment Rights Act (USERRA) complaint data and Department of Labor Veterans' Employment and Training Service (VETS). | GAO-26-108197

Note: For each region, the percentage represents each administrative closure type as a proportion of total administrative closures. Percentages may not add to 100 percent due to rounding.

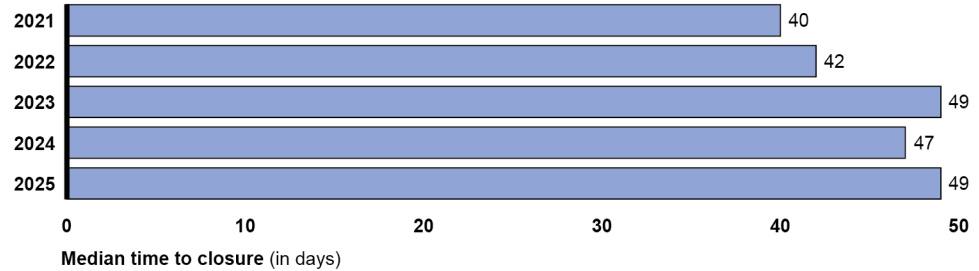
How long did USERRA complaints take to close, and how did these times change from FY 2021 through FY 2025?

The median length of closed USERRA investigations increased approximately 23 percent from 40 days in FY 2021 to 49 days in FY 2025 (see fig. 6). Under USERRA, VETS is required to complete USERRA complaint investigations within 90 days of receiving a complaint or within an extension of time agreed to by the service member.¹⁴ Median investigation closure times between FY 2021 and FY 2025 fell within the 90-day time frame.

Complaint investigations lengthened for all complaint closure categories between FY 2021 and FY 2025. When asked about the increase in median USERRA complaint investigation length, VETS national office officials noted the increase may be due to changes to their quality assurance, accountability, and case resolution processes. For example, regarding the case resolution process, officials said that VETS added a step to elevate cases that were substantiated

but not resolved at the state or regional level to the national level, when appropriate, to allow VETS senior leaders to help resolve these cases. Officials said that this extra step can result in additional case time.¹⁵ Additionally, investigators from one of the selected regions we interviewed noted challenges with obtaining information from employers and their legal representatives, which can potentially add time to USERRA complaint investigations.

Figure 6: Median Length (in Days) of Closed Uniformed Services Employment and Reemployment Rights Act (USERRA) Investigations, Fiscal Years 2021–2025



Source: GAO analysis of Veterans' Employment and Training Service (VETS) USERRA complaint data. | GAO-26-108197

Across the six VETS regions, median USERRA complaint closure times varied by year and location, ranging from a low of 21 days in FY 2022 in the Philadelphia region to a high of 79 days in FY 2023 in the Chicago region (see table 4).

Table 4: Median Length (in Days) of Closed USERRA Investigations by VETS Region, Fiscal Years 2021–2025

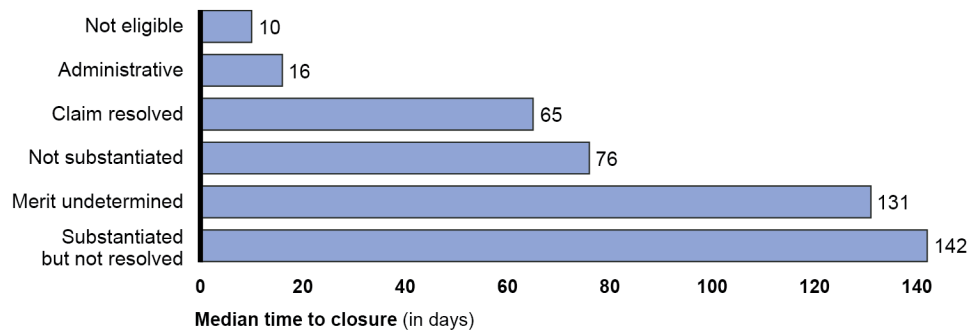
Fiscal year	VETS region						All regions
	Atlanta	Boston	Chicago	Dallas	Philadelphia	San Francisco	
2021	35.0	26.0	53.0	39.0	35.0	49.0	40.0
2022	31.0	40.5	77.0	48.0	21.0	42.0	42.0
2023	40.0	50.0	79.0	56.5	42.0	35.0	49.0
2024	32.0	42.0	74.0	57.0	41.0	33.0	47.0
2025	39.5	51.0	68.0	55.0	46.5	35.0	49.0

Source: GAO analysis of Uniformed Services Employment and Reemployment Rights Act (USERRA) complaint data and Department of Labor Veterans' Employment and Training Service (VETS). | GAO-26-108197

Discrimination and employer types. Complaints that involved initial hiring discrimination and those against state and local agencies took longer to close. For example, complaints that involved discrimination related to the initial decision to hire and provide employment had a median closure time of 78 days, and complaints involving denied promotions had a median closure time of 69 days. Additionally, USERRA complaints closed from FY 2021 through FY 2025 in which state and local agencies were the employers took longer to close than complaints involving federal government employers and, to a lesser extent, private employers. According to VETS officials, USERRA complaints against state and local agencies can take longer to close because these agencies engage more often with legal counsel, which may result in delays.

Length of complaints, by closure type. Although VETS closed USERRA complaints within 90 days, on average, complaint closure time varied by closure type. The quickest closings involved complaints that VETS determined were not eligible or those that VETS closed for administrative reasons. The longest closings involved complaints in which the merit was undetermined or the merit was substantiated but not resolved.¹⁶ See figure 7.

Figure 7: Median Length (in Days) of Closed Uniformed Services Employment and Reemployment Rights Act (USERRA) Complaints by Closure Type, Fiscal Years 2021–2025



Source: GAO analysis of Veterans' Employment and Training Service (VETS) USERRA complaint data. | GAO-26-108197

How often did VETS refer USERRA complaints to DOJ or OSC from FY 2021 through FY 2025?

From FY 2021 through FY 2025, VETS referred 6 percent of all closed USERRA complaints (336 of 5,433) to DOJ or OSC.¹⁷ Referred complaints rarely ended in a settlement negotiated by VETS.¹⁸ According to VETS officials, the majority of these referrals were complaints in which VETS had determined that the complaint was not substantiated by the evidence or that the service member was ineligible under USERRA. Service members who are not satisfied with the outcome of a completed USERRA investigation may request referral to DOJ or OSC for possible legal representation, regardless of whether their complaint was substantiated.

What VETS and other resources are available to help service members decide whether to file a USERRA complaint?

Service members have access to multiple resources to help them decide whether to file a complaint. VETS's website includes information and tools to help service members assess their eligibility under USERRA. These resources include a "Know Your Rights" webpage and a link to VETS's elaws (Employment Laws Assistance for Workers and Small Business) Advisor tool designed to help employees learn about their rights and responsibilities under USERRA.¹⁹ This interactive tool leads service members through a series of screening questions to help them assess whether their claim may be eligible for coverage under USERRA.

VETS officials also said that before filing a complaint, a service member can seek assistance through DOL's National Contact Center's toll-free number. At that number, service members can seek general answers to their questions or ask to be referred to a subject matter expert for assistance with more detailed issues. According to VETS officials, a service member may also be referred to the Department of Defense's Employer Support of the Guard and Reserve, which has ombudsman staff who can informally attempt to resolve USERRA issues.²⁰

How, if at all, did VETS's staffing levels for USERRA investigations change in FY 2025?

According to VETS staffing data, the number of staff who play a role in USERRA investigations declined from 145 at the beginning of FY 2025 to 111 by the end of the year, a reduction of about 20 percent. See table 5 for a breakdown of staff reductions by VETS region. VETS officials said that they developed a new process for assigning cases to investigators in response to reduced staffing levels and that workloads for certain staff who conduct investigations have increased. Officials said they will likely identify additional effects of these staffing reductions in the future.

Table 5: Reduction in the Department of Labor’s (DOL) Veterans’ Employment and Training Service (VETS) Investigative Staffing Levels, by Region, Fiscal Year 2025

VETS region	Number of investigations staff as of October 1, 2024	Number of investigations staff as of September 30, 2025	Percent decrease
Atlanta	26	23	12%
Boston	23	18	22%
Chicago	26	18	31%
Dallas	26	18	31%
National Office	5	5	N/A
Philadelphia	13	8	38%
San Francisco	26	21	19%
Total	145	111	23%

Source: GAO analysis of VETS data. | GAO-26-108197

Note: We reviewed staffing levels from the beginning of fiscal year 2025 (October 1, 2024) to the end of fiscal year 2025 (September 30, 2025). According to VETS officials, these data reflect all staff who have a role identified in their position description that is related to Uniformed Services Employment and Reemployment Rights Act (USERRA) complaint investigations. This includes investigators and investigations management staff from VETS’s six regions and VETS national office staff who oversee investigations. The reductions reflect staff who participated in the Deferred Resignation Program, under which employees could opt to resign from their federal positions in early calendar year 2025 but retain their pay and benefits through September 2025.

According to VETS officials, the recent staffing reductions led VETS to change its case assignment process. In May 2025, VETS replaced its region-specific process with a national process. Under the national case assignment process, VETS lists all its investigators in alphabetical order and generally assigns a case to the next investigator on the list, regardless of their geographic location. VETS previously assigned cases to an investigator located in the VETS region where the employer involved in the USERRA complaint was located. According to VETS officials, in April 2026, VETS began the process of automating the case assignment process through its case management system. Officials said that case assignments will be driven by investigator availability and active case volume. Officials said that they plan to implement this automated process in July 2026.

What challenges did VETS staff identify in the USERRA complaint investigation process?

VETS investigations staff we spoke with expressed concern about the amount of time they spend investigating complaints that are closed as not eligible. According to officials from VETS’s national office, the use of the “not eligible” closure code does not involve ineligibility of the claim. Instead, according to officials, investigators may use this code to indicate that the service member is not eligible or that a court or the Merit Systems Protection Board has already determined the merits of the same issue in a prior proceeding.

From FY 2021 through FY 2025, about 10 percent of the complaints that VETS investigated and closed (540 of 5,433 complaints) were closed as not eligible, according to our analysis of USERRA complaint data. On an annual basis, the share of overall complaints closed as not eligible has generally grown over time. Specifically, the percentage of complaints closed as not eligible increased from about 6 percent in FY 2021 to about 11 percent in FY 2025.

We also found that VETS investigations staff spent time on many complaints that were closed as not substantiated, which includes cases where a VETS investigator determined the evidence showed that an employer would have taken the same action (e.g., denied a promotion) against a service member regardless of the service member’s past, present, or future uniformed service or protected

activity.²¹ From FY 2021 through FY 2025, about 30 percent of the complaints that VETS investigated and closed (1,632 of 5,433 complaints) were closed as not substantiated, according to our analysis of USERRA complaint data.

As previously noted, VETS provides multiple resources to educate service members before they file a complaint, including the “[elaws Advisor](#)” tool and other information on its website. We reviewed VETS’s website and found that it includes numerous resources that vary in length and complexity and are spread across different webpages. For example, among other things, the website includes a brief list of four USERRA tips for service members and a lengthier “Online Pocket Guide” covering topics such as USERRA eligibility and requirements regarding the notification that service members must provide to their employers before military service.

Investigations staff we interviewed expressed concerns about the resources currently available to service members. VETS investigations staff from one region explained that these resources are inadequate because it is optional for service members to review them. VETS investigations staff identified streamlined tools VETS could develop to help service members better understand USERRA before they file a complaint, such as a short online video or infographic on USERRA eligibility.

When service members submit complaints about issues that are not covered by USERRA, they may jeopardize their ability to pursue claims with the appropriate entity, according to investigators we interviewed from one VETS region. They said this is because case assignment and review take time, and submitting a claim with VETS can jeopardize statutory deadlines for ADA claims.

When asked whether VETS had considered providing additional resources to service members, VETS national office officials noted the existing resources on VETS’s website and said that VETS recently introduced VETS USERRA opinion letters, which allow service members to request a written explanation of how USERRA applies to specific circumstances. Officials also said that in 2024, VETS contracted with a research organization to assess ways to increase employer and worker awareness of USERRA, but the study was not completed.

DOL’s FY 2026–2030 Strategic Plan includes an objective to utilize enforcement as necessary and promote compliance with federal employment protection and other standards to secure a safe and strong American workforce.²² To help achieve this objective, the plan outlines a strategy for VETS to educate uniformed service members, veterans, employers, and others on their employment rights and responsibilities to ensure that, among other things, protected individuals understand their rights. Since VETS’s website includes numerous resources spread across different webpages, navigating them may be challenging for some service members seeking to understand USERRA before filing a complaint. By reviewing existing resources and identifying and implementing options to streamline or modify them, VETS could help service members better understand their potential eligibility under USERRA and the standards required to demonstrate that an adverse employer action constitutes a USERRA violation, consistent with the education-focused strategy for VETS outlined in DOL’s strategic plan. Doing so could help better ensure service members direct their complaints to the appropriate agency more quickly and reduce the number of complaints VETS closes as not eligible and not substantiated. In light of the increasing number of USERRA complaints and declining number of investigations staff, these steps would in turn allow VETS investigators to focus more time on complaints that may be more likely to involve USERRA issues and close those cases in 90 days.

What training does VETS provide to USERRA investigations staff?

VETS's national office provides standardized training to new investigators, and regional offices provide additional training for existing staff. Specifically, VETS's national office provides new investigators with a series of online and classroom training courses through VETS's National Veterans' Training Institute.²³ These courses introduce new investigators to USERRA and provide them with information on topics such as how to apply the law to factual circumstances, written communication, and evidence.

VETS national office officials said they also provide some recurring training for investigations staff. Specifically, officials said that VETS's national office and DOL's Office of the Solicitor collaborate to provide biennial required training for investigators. Past training sessions have covered topics such as pensions and USERRA coverage, according to VETS officials. Officials said the national office also collaborates with regional staff to hold voluntary compliance sessions approximately once per month and encourages staff to attend. The sessions address relevant or timely topics related to USERRA.

VETS staff from two of the three selected regions we interviewed said they have developed their own region-specific training because the recurring training from VETS's national office does not meet their needs. For example, investigators from one region said they need more training on topics not adequately covered in existing training such as legal updates, investigation trends, system changes, and case procedures.

We also found that the training activities in our selected regions differed in their focus and frequency. For example, a VETS investigations manager from one regional office said that his region provides monthly training on high-priority issues and trends, as well as training on VETS's investigations manual. VETS investigators from another region said they receive ad hoc training on trending topics.

Differing regional approaches to recurring training could affect how staff across regions conduct investigations. Such variation could affect the amount and type of information that VETS receives at the beginning of an investigation. For example, investigations staff in one region may be trained to use more detailed initial letters to employers and service members at the start of an investigation than staff in other regions, according to investigators in one region we interviewed.²⁴ Differing regional approaches also may mean some staff are trained on topics that staff from other regions are not. Representatives we interviewed from a veterans service organization expressed concern about the inconsistent application of the investigation process and how that might harm the effectiveness of investigations.

When asked about plans to offer additional training to investigators, VETS national office officials said that the national office plans to offer its current training for new investigators as recurring training for all investigators twice per year. They did not identify plans to offer any additional training specific to investigators or that appear to address the concerns that investigators raised. Investigators from two of the three selected regions we interviewed said that they were retaking the new investigator training at the time of our review, and each expressed concerns about the training. For example, an investigator from one region said that the training only covered material that they already knew, which they did not find to be helpful.

Standards for Internal Control in the Federal Government state that management should demonstrate a commitment to recruiting, developing, and retaining competent staff.²⁵ Assessing investigator training needs and taking steps to address those needs would help VETS better identify and deliver training to its

staff to support them in investigating USERRA complaints. This in turn could help them in carrying out their responsibilities to protect service members' employment rights in support of VETS's mission.

Conclusions

As VETS continues to enforce USERRA with a smaller investigative staff, taking additional steps to review existing resources and identify and implement options to streamline or modify them could help VETS reduce the number of complaints it receives that are unrelated to USERRA or contest employer actions that are not based on an individual's uniformed service or other areas protected by USERRA. Taking these additional steps could also help give VETS investigations staff more time to focus on investigating eligible USERRA complaints and reduce the time they spend on complaints that are not eligible or not substantiated.

USERRA protections provide essential support for service members who leave their civilian jobs to serve their country. To help ensure these protections, VETS staff who investigate complaints of USERRA violations need timely and consistent professional training. However, according to investigators from most of the selected regions we interviewed, the training provided by VETS's national office does not fully meet their needs. In addition, regional approaches to training could result in inconsistent investigation practices across VETS regions. By assessing investigator training needs and taking steps to address those needs, VETS's national office can help ensure that USERRA investigations staff have the knowledge they need to effectively protect service members' employment rights in support of VETS's mission.

Recommendations for Executive Action

The Secretary of Labor should ensure that VETS reviews its existing resources on USERRA and identifies and implements options to streamline or modify them to help individuals better understand their potential eligibility under USERRA before filing a complaint as well as the evidence needed to show that an employer action constitutes a USERRA violation. (Recommendation 1)

The Secretary of Labor should ensure that VETS's national office assesses investigator training needs and takes steps to address those needs, including soliciting input from investigators. (Recommendation 2)

Agency Comments

We provided a draft of this report to VETS for review and comment. In its written comments, reproduced in appendix I, VETS concurred with our recommendations. VETS officials outlined steps they plan to take to improve claimants' ability to obtain information about their eligibility before filing a claim, such as redeveloping and modernizing the USERRA elaws Advisor. VETS officials also outlined steps they plan to take to address investigator training needs, such as continuing to solicit input from investigators who attend training courses and taking steps to address proposed improvements, as appropriate. VETS also provided technical comments, which we incorporated as appropriate.

How GAO Did This Study

To identify the steps VETS takes to investigate USERRA complaints and challenges VETS faces in the investigation process, we reviewed documentation related to the complaint investigation process and related procedures, such as the training provided to investigators. For example, we reviewed VETS's USERRA investigations manual, relevant oversight work from the DOL Office of Inspector General, and descriptions of the training courses for investigators.²⁶ In

addition, we interviewed agency officials, including VETS national office officials as well as complaint investigators and management staff from three of VETS's six regions. To capture a variety of perspectives, we used multiple criteria to select regions, such as number of staff and workload size. We also interviewed officials from two veterans service organizations to obtain their perspectives on the USERRA complaint investigation process and challenges service members may face.²⁷ The perspectives we obtained from VETS regional office staff and veterans service organizations cannot be generalized, but provided us with insights on the USERRA complaint investigation process and related challenges. We assessed VETS's investigation process and related procedures against standards for internal control in the federal government and DOL's FY 2026–2030 Strategic Plan.²⁸

To assess what VETS data show about the results of USERRA complaint investigations, we analyzed VETS data from FY 2021—just after VETS implemented its current case management system—through FY 2025. We captured a variety of data related to the investigation process such as

- the number of cases opened and closed each year;
- the number of complaints that were dismissed without an investigation; and
- the number of cases referred to DOJ and OSC, agencies that may choose to represent a service member in a USERRA lawsuit.

We examined factors such as the type of employer against which complaints were filed and the types of USERRA issues cited in complaints. We assessed the reliability of the data by testing for missing data or other errors and reviewing related documents. We found the data to be sufficiently reliable for the purposes of reporting on complaint characteristics and the results of investigations over this time period.

We conducted this performance audit from March 2025 to June 2026 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

List of Committees

The Honorable Jerry Moran
Chairman
The Honorable Richard Blumenthal
Ranking Member
Committee on Veterans' Affairs
United States Senate

The Honorable Mike Bost
Chairman
The Honorable Mark Takano
Ranking Member
Committee on Veterans' Affairs
House of Representatives

We are sending copies of this report to the appropriate congressional committees and the Acting Secretary of Labor. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

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Appendix I: Comments from the Veterans' Employment and Training Service

U.S. Department of Labor

Assistant Secretary
Veterans' Employment and Training Service
Washington, D.C. 20210



June 1, 2026

Mr. Thomas Costa
Director, Education, Workforce, Income Security
U.S. Government Accountability Office
441 G Street N.W.
Washington, DC 20548

Dear Mr. Costa:

The U.S. Department of Labor's (DOL) Veterans' Employment and Training Service (VETS) appreciates the opportunity to respond to the U.S. Government Accountability Office (GAO) draft report titled *Service Member Reemployment Rights: Enhanced Education and Additional Training Could Improve Investigations*" (GAO-26-108197). In the report, GAO makes the following recommendation to the Department:

Recommendation 1: The Secretary of Labor should ensure that VETS reviews its existing resources on Uniformed Services Employment and Reemployment Rights Act (USERRA) and identifies and implements options to streamline or modify them to help individuals better understand their potential eligibility under USERRA prior to filing a complaint as well as the evidence needed to show that an employer action constitutes a USERRA violation.

DOL Response: VETS agrees with GAO's recommendation that the existing resources available on USERRA should be reviewed to identify and implement options to streamline and modify them to improve individuals' understanding of their eligibility under USERRA.

Potential claimants who plan to file a claim under USERRA often seek information about how to file a claim under USERRA rather than information about their eligibility as a first step. These initial engagements of potential claimants with VETS' online resources typically occur after claimants receive information about eligibility for coverage from unofficial sources of information. Materials on VETS website, primarily provided through the USERRA eLaws Advisor, are designed to provide correct information based on approved sources of such information.

A recent review of VETS USERRA webpages, including the USERRA eLaws Advisor, confirmed that these tools and resources, while designed with the intention of accomplishing the objective identified in Recommendation 1, are not connected to one another and have become out-of-date. VETS is committed to taking an integrated approach to improving claimants' ability to obtain information about their eligibility prior to filing a claim. VETS will work with DOL's Office of the Chief Information Officer (OCIO) to redevelop and modernize the USERRA

eLaws Advisor and integrate online claim filing components. Update and modernization of this tool will ensure that claimants are able to obtain adequate and accurate information about their eligibility for coverage prior to filing claims.

Recommendation 2: The Secretary of Labor should ensure that VETS's national office assesses investigator training needs and takes steps to address those needs, including soliciting input from investigators.

DOL Response: VETS agrees with GAO's recommendation, and that staff who investigate complaints of USERRA violations need timely and consistent professional training.

In collaboration with the National Veterans Training Institute (NVTI), VETS has and will continue to enhance its curriculum, resources, outreach efforts, and achievements to support the personnel who protect the employment rights of service members and veterans. The VETS National Office Compliance Team, in partnership with NVTI staff, successfully conducted its capstone USERRA investigators course, as well as its online prerequisites, twice in 2025, once in July for 22 attendees and again in September for 17 attendees. Based on input from investigators who attended these courses, the VETS National Office Compliance Team, working with NVTI curriculum development staff, substantially revised the USERRA Online Prerequisites Course. This revision reflects current best practices and recent statutory updates to USERRA for delivery in advance of the next scheduled course in July 2026. VETS will continue the practice of soliciting input from investigators who attend USERRA Investigators Courses using online evaluation forms submitted after course completion to ensure that investigator training needs are met and to take steps to address proposed improvements, as appropriate.

Recognizing the importance of effective informal and recurring investigator training that augments formal NVTI courses, the VETS National Office Compliance Team has and will continue to provide topical micro-training events in a welcoming forum for information sharing and robust discussion. These events also provide an opportunity through investigator question and answer sessions to evaluate the training needs of investigators. In this way, VETS will solicit investigator input and ensure consistent USERRA investigation practices across all VETS regions. In summary, VETS will continue to assess investigator training needs and update our USERRA training materials on an annual basis and will work with investigators to explore ways to further improve this process.

The Department appreciates the information, analysis, and insights that GAO shared in this draft report.

Sincerely,



Jeremiah Workman
Assistant Secretary

Endnotes

¹The term "uniformed services" means the Armed Forces, the Army National Guard, and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the Commissioned Corps of the Public Health Service; the commissioned officer corps of the National Oceanic and Atmospheric Administration; System members of the National Urban Search and Rescue Response System during a period of appointment into federal service under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; intermittent personnel who are appointed into Federal Emergency Management Agency service under 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act or to train for such service; and any other category of people designated by the President in a time of war or emergency.

²38 U.S.C. § 4311(a)

³38 U.S.C. § 4313(a); 20 C.F.R. § 1002.191. In addition to providing reemployment rights, USERRA provides protections for employment-related benefits such as health insurance and pension benefits.

⁴VETS does not investigate or resolve complaints of USERRA violations submitted by service members who are employed by certain intelligence community elements. We have another report that examines reemployment protections that these intelligence community elements provide to service members under USERRA, including the submission and resolution of claims for alleged violations of reemployment rights. See GAO, *Service Member Rights: Intelligence Community Guidance Could Better Address Reemployment Protections*, GAO-26-108133 (May 21, 2026).

⁵38 U.S.C. § 4322(a), (d).

⁶See 38 U.S.C. §§ 4322(f), 4327(a)(2).

⁷VETS national office officials noted that VETS national office staff also review claims submitted by email, fax, or mail to determine if they include all statutory requirements before they are filed.

⁸USERRA complaints can contain one or more issues that correspond to potential violations of USERRA. These issues are identified by the service member in their complaint to VETS, or by the investigator during the investigation.

⁹The results of our electronic testing showed high percentages of missing data in the Veterans Case Management System's complaint data related to gender and race/ethnicity in FY 2021–FY 2023. Therefore, we determined that those data were not sufficiently reliable for the purposes of this report. Additionally, about 5 percent of claimants who filed USERRA complaints in FY 2024 and FY 2025 did not report their gender. According to Department of Defense (DOD) FY 2024 demographic data, the most recent data available, about 80 percent of total DOD military personnel were male, and about 20 percent were female.

¹⁰About 6 percent and 5 percent of claimants who filed USERRA complaints in FY 2024 and FY 2025, respectively, did not report their race. According to DOD FY 2024 demographic data, the most recent data available, 69 percent of total DOD military personnel identified as White, about 29 percent identified as other racial groups, and the race was unknown for about 3 percent of personnel.

¹¹VETS uses various codes to close USERRA complaints. Examples of each closure type include the following: (1) “administrative closure” is used for investigations that end without a merit decision; (2) “claim resolved” is used when an investigator determines that a USERRA violation has occurred, and the investigator was able to successfully resolve the complaint; (3) “not eligible” is used when an investigator determines that the service member is not eligible for coverage under USERRA or the adverse action taken by an employer was not covered under USERRA; (4) “not substantiated” is used when an investigator determines that the violations are not substantiated by the evidence; and (5) “substantiated, not resolved” is used when VETS determines that the violations are substantiated, but VETS is unable to facilitate a settlement between the service member and employer.

¹²U.S. Department of Labor, Veterans' Employment and Training Service, *Investigations Manual: USERRA, VEOA, and VP (v2025.2)*. The administrative closure code is used to close USERRA complaints before completing an investigation for seven reasons: (1) active federal court proceeding, (2) active Merit Systems Protection Board proceeding, (3) active state court proceeding, (4) service member requests not to pursue claim, (5) claimant temporarily unavailable, (6) lack of interest, and (7) pursuing assistance through the Employer Support of the Guard and Reserve.

¹³Administrative closure codes provide service members with the right to reopen an investigation upon request.

¹⁴38 U.S.C. §§ 4322(f), 4327(a)(2). Additionally, VETS's USERRA investigations manual also states that VETS has 90 calendar days—or within an extension of time agreed to by the service member—to complete USERRA investigations.

¹⁵VETS officials also highlighted changes made to the quality assurance and accountability processes, which they said can increase the length of investigations. Officials said that VETS replaced its quarterly quality reviews of 15 randomly selected cases with reviews of all cases. In addition, with regard to the accountability process, officials said that VETS updated its case management system by adding fields that investigators must complete to ensure that they collect all relevant evidence and fully analyze all elements of a claim based on the evidence collected.

¹⁶The “merit undetermined” closure code was used when an investigator (1) completed an investigation or (2) investigated a complaint until a statutory deadline was reached but was unable to determine whether the complaint was substantiated by the facts and evidence collected. According to VETS officials, this closure code was discontinued during FY 2022.

¹⁷OSC is an independent federal investigative and prosecutorial agency.

¹⁸According to VETS officials, while these referred cases rarely ended in a settlement negotiated by VETS, DOJ and OSC have successfully negotiated many settlements over the years in cases that VETS found to be substantiated by the evidence. Officials noted that VETS's USERRA Annual Reports to Congress highlight cases in which DOJ obtained consent decrees and negotiated settlements. See, for example, U.S. Department of Labor, Veterans' Employment and Training Service, *Fiscal Year 2024 USERRA Annual Report to Congress* (Washington, D.C.), 10.

¹⁹See “Know Your Rights: Your Rights Under USERRA the Uniformed Services Employment and Reemployment Rights Act,” U.S. Department of Labor, Veterans' Employment and Training Service, accessed March 27, 2026, <https://www.dol.gov/agencies/vets/programs/userra/aboutuserra>, and “USERRA Advisor,” U.S. Department of Labor, accessed April 10, 2026, https://webapps.dol.gov/elaws/vets/userra/userra_1.asp.

²⁰DOD's Employer Support of the Guard and Reserve informs and educates service members and civilian employers about their rights and responsibilities under USERRA. It does not enforce USERRA but serves as a free resource for service members and employers.

²¹According to VETS's investigations manual, complaints are closed as not substantiated when an investigator finds that a claimant is not entitled to any relief for reasons other than a failure to meet eligibility requirements.

²²U.S. Department of Labor, *U.S. Department of Labor Strategic Plan FY 2026-2030*.

²³The National Veterans' Training Institute was established in 1986 to further develop and enhance the skills of veterans' employment and training service providers throughout the United States. The Institute is funded by VETS and administered by a contracted training service provider.

²⁴According to VETS's investigations manual, an opening letter is sent to the service member and their employer at the beginning of an investigation to provide certain information and request relevant documentation. U.S. Department of Labor, Veterans' Employment and Training Service, *Investigations Manual*.

²⁵GAO, *Standards for Internal Control in the Federal Government*, GAO-25-107721 (Washington, D.C.: May 2025). See principle 4.01.

²⁶U.S. Department of Labor, Office of Inspector General, *VETS Investigated USERRA Claims in Accordance with the USERRA Manual, but Improvements Can Be Made*, 06-18-001-02-001 (Washington, D.C.: Oct. 30, 2017).

²⁷We interviewed officials from the Reserve Organization of America and the Enlisted Association of the National Guard of the United States. We selected these organizations based on their focus on advocating for employment protections for workers covered by USERRA and their experience with engaging with Congress on policy issues related to veterans' employment.

²⁸GAO-25-107721 and U.S. Department of Labor, *U.S. Department of Labor Strategic Plan FY 2026-2030*.