

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**ALABAMA DEPARTMENT OF MENTAL
HEALTH AND MENTAL RETARDATION,**

Defendant.

CASE NO. 2:08-cv-1025-MEF

(WO)

FINAL JUDGMENT

In accordance with the prior proceedings and orders of the Court and upon consideration of the testimony presented at the trial of this cause and the record as a whole, it is ORDERED and ADJUDGED as follows:

1. Judgment is ENTERED against Defendant the Alabama Department of Mental Health and Mental Retardation (“Defendant”) and in favor of Plaintiff, the United States of America.

2. As part of this Judgment and pursuant to 38 U.S.C. §§ 4323(d)(1)(B), § 4323(2)(B), and § 4323(d)(3), the Court awards lost wages or benefits to the United States for the damages suffered by Roy Hamilton (“Hamilton”) as a result of the Defendant’s failure to comply with USERRA’s reemployment provisions, and any such award shall be paid, on order of the Attorney General, directly to Hamilton. Those lost wages and benefits are as follows:

- a. Hamilton's back pay damages are \$21,597.34.
- b. Hamilton is entitled to the employer's retirement contribution on his back-pay award, constituting \$1,753.43.
- c. Hamilton's annual leave damages are 197.25 hours or \$2,187.24, at his current rate of pay.
- d. Hamilton's sick leave damages are 72 hours or \$810.72, at his current rate of pay.
- e. Hamilton is entitled to restoration of his continuous service date to the date of his original hire, July 13, 1987.

3. As part of this Judgment and pursuant to 38 U.S.C. § 4302(b), the Defendant shall pay prejudgment interest.

4. As part of this Judgment and pursuant to 38 U.S.C. § 4301 et seq., the United States is entitled to injunctive relief, including amendments to the Defendant's policies and procedures, to ensure the Defendant's future compliance with USERRA and mandatory training for all the Defendant's managers and personnel officials as set forth in this Court's prior Order on injunctive relief.

5. Costs are taxed in favor of the United States of America and against the Defendant, for which execution may issue.

6. The Clerk of the Court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure and close this

file.

DONE this the 3rd day of November, 2010.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE