

Wiley Files Supreme Court *Amicus* Brief in *Feliciano v. Department of Transportation*

August 29, 2024

Washington, DC – Wiley Rein LLP, a DC law firm, submitted an *amicus* brief on behalf of the Reserve Organization of America (ROA) in *Feliciano v. Department of Transportation*. The brief, filed in support of the petitioner, urges the U.S. Supreme Court to reverse the Federal Circuit’s interpretation of the differential pay statute for federal civilian-employee military Reservists.

Feliciano involves a federal statute that requires the U.S. government to pay federal civilian-employee Reservists differential pay when they are mobilized by the military. The dispute centers on when that statute applies to Reservists ordered to active duty during a declaration of national emergency. The Federal Circuit held that certain Reservists are entitled to differential pay only when there is a connection between the Reservist’s military service and the declared national emergency.

Wiley argues in the ROA *amicus* brief that the Federal Circuit’s interpretation of the statute is at odds with Congress’ pro-servicemember intent when the differential pay statute was enacted, and interferes with the military’s operational readiness by discouraging Reservist recruitment and retention on financial grounds. Wiley previously submitted an *amicus* brief for ROA in support of the petition for certiorari, helping persuade the Supreme Court to hear the case.

“We are proud to support the ROA in urging the Supreme Court to reverse the Federal Circuit’s interpretation of the differential pay statute,” said Wiley partner and retired Army Reservist Scott A. Felder, who serves as lead counsel for ROA in this matter. “The outcome of this case will have a significant impact on many federal civilian

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employees who serve their country as Reservists, as well as our military's ability to recruit, retain, and utilize Reservists who act as a vital part of our nation's military readiness."

The Wiley team representing the ROA on a pro bono basis also includes Boyd Garriott, Lukman Azeez, Wesley E. Weeks, and Kahlil H. Epps.