

CLERK'S OFFICE U.S. DISTRICT COURT
AT DANVILLE, VA
FILED

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

MAR 11 2013
BY: JULIA C. DUDLEY, CLERK
DEPUTY CLERK

MARK BELTON,

Plaintiff,

v.

HALIFAX COUNTY, VIRGINIA,

Defendant.

NO. CV- 4:13CV00010

PLAINTIFF MARK BELTON'S VERIFIED
COMPLAINT FOR VIOLATIONS OF THE
UNIFORMED SERVICES EMPLOYMENT
AND REEMPLOYMENT RIGHTS ACT,
DEMAND FOR DAMAGES, AND A JURY
TRIAL

EXEMPT FROM FILING FEES UNDER
TO 38 U.S.C. 4323(h)(1)

I. VERIFIED COMPLAINT

1. Plaintiff, Mark Belton ("Mr. Belton"), by the undersigned attorneys, avers as follows.

2. This civil action is brought pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301 - 4335 (USERRA) and is exempt from filing fees under 38 U.S.C. § 4323(h)(1).

II. PARTIES

3. Mr. Belton is, and was at all times pertinent hereto, a resident of Page County, Virginia and a member of the U.S. Navy Reserve.

4. Defendant, Halifax County is a political subdivision of the State of Virginia, maintains a place of business within this judicial district, and is a "private employer" as defined by 38 U.S.C. § 4323(i).

III. JURISDICTION AND VENUE

5. The Federal Court for the Western District of Virginia has personal jurisdiction over the parties and subject matter jurisdiction for the claims in this complaint pursuant to 38 U.S.C. § 4323(b)(3) and 28 U.S.C. § 1331.

6. Venue is proper in the Federal Court for the Western District of Virginia under 38 U.S.C. § 4323(c) and 28 U.S.C. § 1391(b) because the acts and omissions in this complaint occurred in this District.

IV. DIVISION ASSIGNMENT

7. This action arose in Halifax County, Virginia; therefore, pursuant to local rules it should be assigned to the Danville Division.

V. FACTS

8. Plaintiff re-alleges paragraphs 1 through 7.

9. Mr. Belton is a veteran of the United States Navy and United States Naval Reserve. Mr. Belton's service includes deployment in support of Operation Iraqi Freedom and he continues to serve as a Rear Admiral (Upper Half) in the U.S. Navy Reserve.

10. All of Mr. Belton's military records for discharge from military service reflect honorable service to the United States. Mr. Belton's military records include both personal and unit decorations for meritorious service.

11. The applicable time periods for Mr. Belton's service in the uniformed service do not exceed 5 years.

12. In the spring of 2012, Mr. Belton applied for the Halifax County "County Administrator" job. To that end, on April 27, 2012, Halifax County Administrator, George Nester e-mailed Mr. Belton an invitation to apply for the position of Halifax County

Administrator. Mr. Belton, in response, sent Mr. Nester a copy of his (Belton's) résumé and cover letter.

13. On May 3, 2012, George Nester acknowledged receipt of Mr. Belton's résumé and cover letter.

14. On May 11, 2012, George Nester e-mailed Mr. Belton an invitation to interview for the position of Halifax County Administrator.

15. On May 17, 2012, Mr. Belton interviewed (in person), with six members of the Halifax County Board of Supervisors, for the position of Halifax County Administrator.

16. During the interview the members of the Halifax County Board of Supervisors repeatedly asked Mr. Belton about Mr. Belton's United States Naval Reserve obligations.

17. On May 17, 2012, (after the interview) George Nester telephoned Mr. Belton and requested four professional references from Mr. Belton.

18. On or about May 18, 2012, George Nester sent Mr. Belton a letter, dated May 18, 2012, which states, in pertinent part:

It was a pleasure meeting you yesterday at the interview. As I explained in our post interview phone call, the Board would like you to provide four references. One issue that was expressed was the concern of your being called back to active or reserve duty for an extended period of time. At this point in your career, is that likely?

A true and correct copy of Mr. Nester's May 18, 2012, letter is attached hereto as **Exhibit**

A.

19. On May 21, 2012, Mr. Belton sent four professional references to George Nester.

20. On May 22, 2012, Halifax County Board Supervisor, W. B. Claiborne telephoned Mr. Belton. During the conversation, Supervisor Claiborne expressed enthusiasm about Mr. Belton's interview, but informed Mr. Belton that the only "hang-up" was Mr. Belton's military

service and the Board's concern that Mr. Belton could be called to active duty. Supervisor Claiborne also requested that Mr. Belton send the Board a note explaining Mr. Belton's military obligations and the likelihood of being called to military duty.

21. On May 23, 2012, Mr. Belton sent an e-mail to George Nester that addressed the Board's concern about Mr. Belton's military obligations and the likelihood of being called to active military duty. A true and correct copy of Mr. Belton's May 23, 2012, email is attached hereto as **Exhibit B**.

22. On May 23, 2012, George Nester sent Mr. Belton an e-mail stating the information addressing the Board's concern about Mr. Belton's military affiliation would be forwarded to the Board, and requested a time when Mr. Belton could be available for a telephone interview. A true and correct copy of Mr. Nester's May 23, 2012, email is attached hereto as **Exhibit C**.

23. On May 31, 2012, Mr. Belton interviewed, by phone, with all eight members of the Halifax County Board of Supervisors.

24. During the phone interview the Board spent a significant amount of time addressing Mr. Belton's military obligations and the likelihood of Mr. Belton being called to active military duty.

25. On June 1, 2012, Mr. Belton called George Nester regarding additional information requested by the Board of Supervisors in the phone interview. During the phone conversation, George Nester informed Mr. Belton that Mr. Belton was one of two remaining candidates, and the preferred candidate, for the position of Halifax County Administrator.

26. On or about June 7, 2012, the Chair of the Halifax County Board of Supervisors, Thomas E. West, sent Mr. Belton a letter which stated that the Halifax County Board of

Supervisors selected the other candidate for the position of Halifax County Administrator. A true and correct copy of the June 7, 2012, letter is attached hereto as **Exhibit D**.

27. On June 12, 2012, George Nester informed Mr. Belton by e-mail that the Board of Supervisors offered the Halifax County Administrator position to the other candidate. The letter goes on to state that a reason that:

[L]ed to the selection of the other candidate [...] was a concern that your essential military skills could result in your being pulled away in the event of a national crisis. I regret this opportunity did not work for you this time. I felt you deserve to know what I believe to be the basis of this decision.

A true and correct copy of the June 12, 2012, email is attached hereto as **Exhibit E**.

28. Halifax County maintains a posted USERRA notice where employers customarily place notices for employees as required by 38 U.S.C. § 4334.

29. The individual who Halifax County hired for the County Administrator position was not a member of the military.

**VI. CLAIM FOR RELIEF
(UNLAWFUL DISCRIMINATION IN VIOLATION OF 38 U.S.C. § 4311)**

30. Plaintiff re-alleges paragraphs 1 through 29.

31. Mr. Belton's obligation to perform service in the uniformed service was a motivating factor in decisions by Halifax County which adversely affected Mr. Belton's employment rights.

32. Halifax County unlawfully discriminated against Mr. Belton, among other ways, by denying Mr. Belton employment and benefits of employment on the basis of his membership, service, or obligation to perform service in the uniformed service.

33. Defendant's conduct was willful within the meaning of 38 U.S.C. § 4323(d)(1)(C).

34. To the extent the Defendant alleges that the application of any State law, local law or ordinance, contract, agreement, policy, plan practice, or other matter constitutes any limitation on Mr. Belton's rights under USERRA, it is illegal, inapplicable, null, void and has no force or effect pursuant to 38 U.S.C. § 4302.

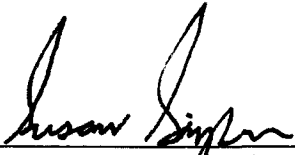
VII. PRAYER FOR RELIEF

Plaintiff respectfully prays for:

- A. Compensation, in the amount to be proven at trial, for all damages suffered by Mr. Belton including, back pay, front pay, lost benefits of employment, pre and post judgment interest, negative tax consequences and liquidated damages pursuant to 38 U.S.C. § 4323(d).
- B. Reasonable attorney, expert fees, and costs pursuant to 38 U.S.C. § 4323(d).
- C. For such other and further relief as this Court deems just and equitable, including injunctive relief enjoining future violations of the USERRA pursuant to 38 U.S.C. § 4323(d).

Respectfully submitted this 8th day of March, 2013.


By:


JAMES A. ALLEN (VSB #35798)
SUSAN M. SIMPSON (VSB #79063)
GENERAL COUNSEL, P.C.
6862 Elm Street, Suite 800
McLean, VA 22101
Telephone: (703) 226-1870
Facsimile: (703) 556-6540
Attorneys for Plaintiff MARK BELTON

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, or any similar rule of law, Plaintiff demands a trial by jury for all causes of action and issues for which trial by jury is available.

GENERAL COUNSEL, P.C.

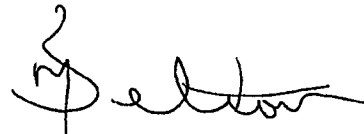
By: 
JAMES A. ALLEN (VSB #35798)
SUSAN M. SIMPSON (VSB #79063)
GENERAL COUNSEL, P.C.
6862 Elm Street, Suite 800
McLean, VA 22101
Telephone: (703) 226-1870
Facsimile: (703) 556-6540
Attorneys for Plaintiff MARK BELTON

VERIFICATION

I, Mark Belton, declare as follows:

- 1) I am the Plaintiff in the above-entitled action;
- 2) I applied to the position of County Administrator for Halifax County, Virginia;
- 3) I have personal knowledge of the above-referenced activities of the Halifax County, including the facts and legal allegations presented in the foregoing Complaint, and if called upon to testify I would competently testify as to the matters stated herein.
- 4) I verify under penalty of perjury under the laws of the Commonwealth of Virginia, and the laws of the United States of America, that the foregoing factual statements in this Complaint are true and correct.

Executed on February 20, 2013.
DATE



Mark Belton
Plaintiff

EXHIBIT A



HALIFAX COUNTY BOARD OF SUPERVISORS

134 South Main Street
P. O. Box 699
Halifax, VA 24558-0699
(434) 476-3300
Fax: (434) 476-3384
www.halifaxcountvva.gov

May 18, 2012

Mr. Mark J. Belton
530 Almond Drive
Luray, VA 22835

Dear Mr. Belton:

Mark

It was a pleasure meeting you yesterday at the interview. As I explained in our post interview phone call, the Board would like you to provide four references. One issue that was expressed was the concern of your being called back to active or reserve duty for an extended period of time. At this point in our career, is that likely?

Finally, attached is a copy of the Myers-Briggs Type Indicator. It was my error telling you to complete only Part I. Part II and Part III also need to be completed.

Let me thank you for your continued interest in this matter.

Sincerely,

COUNTY OF HALIFAX


George W. Nester, CM, AICP
County Administrator

Enclosure

EXHIBIT B

From: Belton, Mark J RADM Commander, N00 [mailto:mark.belton@navy.mil]

Sent: Wednesday, May 23, 2012 1:20 AM

To: George W. Nester

Subject: Affiliation as a Navy Reservist

George:

Please pass this note along to your Board members.

During my interview with the Board of Supervisors on May 17th we talked a little about my status as an officer in the reserve component of the United States Navy. I thought it would be useful for me to clarify my current assignment and obligations and what that might mean regarding time away from my civilian job. I think it's best to make sure this concern is discussed before any decisions are made regarding potential employment. I'm sure it is a concern for at least some members of the Board and I know nobody likes surprises.

I was promoted to my current rank (Rear Admiral Upper Half) on October 1, 2011 and cannot be promoted further. The Navy policy is to allow for three years of service at this rank and I therefore must retire in September 2014. After that date my Navy affiliation will no longer pose any time conflict for civilian employers.

Because of the country's complete withdrawal of forces from Iraq, the ongoing downsizing in Afghanistan, and the fact I returned from a year-long mobilization as recently as late 2010, I won't be involuntarily recalled to any lengthy active duty periods again before retirement. I would need to volunteer for any such assignment and I have no intention of doing so.

My current role as Commander, Navy Expeditionary Logistics Support Group, will continue most likely into September 2013. While I have a superbly capable staff in Williamsburg, VA that can handle most routine matters without me and am able to deal with other issues via e-mail or telephone, my position will require me to be absent from my civilian place of business for short periods occasionally. I have a great deal of flexibility in how I do this. Most absences can be of very short duration...one or two days and encompassing some weekends. Absences for as much as a week will be rare...I was planning to combine two week-long events later this summer in mid-August and have tentative plans to travel to Central Asia and the Mid-East in November (two weeks). These can be altered to fit around County priorities if required.

I would be very willing to spell-out defined limits and parameters on my military service in an Employment Agreement if so desired. That way expectations are clear for all to see. Additionally...and to ensure the concerns of taxpayers are addressed...the time I spend away from County work that exceeds allowed absences (accrued leave, etc...) would be unpaid.

I hope this answers any questions the Board may have regarding my military status. I'm happy to discuss this further if desired.

All the Best,

Mark Belton

EXHIBIT C

Mark Belton

Subject: FW: Affiliation as a Navy Reservist

From: George W. Nester
Sent: Wed 5/23/2012 10:00 AM
To: Belton, Mark J RADM Commander, N00
Subject: RE: Affiliation as a Navy Reservist

Mark

Thanks for this information. I am forwarding to the Board. The Board has a meeting on the morning of Thursday, May 30. Might you be available for a telephone interview should the Board want to speak with you? If this might work, let me know a telephone number where we might reach you? Thanks and good luck.

George W. Nester, CM, AICP
County Administrator
County of Halifax
P. O. Box 699
134 S. Main Street
Halifax, Virginia 24558
434-476-3300

EXHIBIT D



HALIFAX COUNTY BOARD OF SUPERVISORS

134 South Main Street
P. O. Box 699
Halifax, VA 24558-0699
(434) 476-3300
Fax: (434) 476-3384
www.halifaxcountyva.gov

June 7, 2012

Mr. Mark J. Belton
530 Almond Drive
Luray, VA 22835

Dear Mark:

I wanted to thank you for your interest in the position of County Administrator for Halifax County. The Board received many inquiries from excellent candidates of which you were one. After considerable review, the Board has selected a candidate. Although you possess many fine characteristics, skills, and abilities, the Board has selected an individual whose experience, skills, abilities and personality appear to mesh best with our needs.

I wanted to extend to you our very best for your future.

Sincerely,

HALIFAX COUNTY BOARD OF SUPERVISORS

Thomas E. West
Chairman

EXHIBIT E

Mark Belton

Subject: FW: Local References

----- Original Message -----

From: George W. Nester <george.nester@co.halifax.va.us>
To: Belton, Mark J RADM Commander, N00
Sent: Tue Jun 12 09:56:25 2012
Subject: RE: Local References

Mark

The Board (after spending two weeks debating the two top candidates) have offered the job to another candidate and he has accepted. By mutual agreement, the Board and successful candidate will withhold the announcement until the Board's June 25 meeting. Both candidates possess exceptional knowledge, skills, abilities accompanied by experience and excellent references. Confidentially, I think two things led to the selection of the other candidate. The first was concern of how the public might respond to a County Administrator with School Age Children not attending the public schools. The second was a concern that your essential military skills could result in your being pulled away in the event of a national crisis.

I regret this opportunity did not work for you this time. I felt you deserved to know what I believe to be the basis of their decision. I do wish you the very best. Do not hesitate to contact me if you have questions or if I can be of assistance. Good luck.

George W. Nester, CM, AICP
County Administrator
County of Halifax
P. O. Box 699
134 S. Main Street
Halifax, Virginia 24558
434-476-3300

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<p>I. (a) PLAINTIFFS</p> <p style="text-align: center;">MARK BELTON</p> <p>(b) County of Residence of First Listed Plaintiff <u>Page County, Virginia</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorney's (Firm Name, Address, and Telephone Number) JAMES A. ALLEN & SUSAN M. SIMPON, GENERAL COUNSEL, PC 6862 Elm St. Ste. 800, McLean, VA 22101 - (703) 556-0411</p>	<p>DEFENDANTS</p> <p style="text-align: center;">HALIFAX COUNTY, VIRGINIA,</p> <p>County of Residence of First Listed Defendant _____ (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<p>PERSONAL INJURY</p> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <p>Habeas Corpus:</p> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
FEDERAL TAX SUITS	IMMIGRATION			
<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions			

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

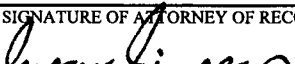
VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301 - 4335

Brief description of cause:
UNLAWFUL DISCRIMINATION IN VIOLATION OF 38 U.S.C. § 4311

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE: 03/08/2013 SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT Exempt from filing fees under 38 USC 4323(h)(1). APPLYING IFF _____ JUDGE Kiser MAG. JUDGE _____

4:13CV10

GENERAL  COUNSEL^{PC}

ATTORNEYS AT LAW

6862 ELM STREET, SUITE 800, MCLEAN, VIRGINIA 22101
(MAIN) 703-556-0411 (FAX) 703-556-6540
WWW.GENERALCOUNSELLAW.COM

WASHINGTON, D.C. OFFICE
1425 K STREET, N.W., SUITE 350
WASHINGTON, DC 20005
PHONE: (202) 587-5774

SUSAN M. SIMPSON
EMAIL: SSIMPSON@GENERALCOUNSELLAW.COM
DIRECT TELEPHONE: (703) 226-2715

VIA FIRST CLASS MAIL

March 8, 2013

Clerk, Civil Division
U.S. District Court for the Western District of Virginia
Danville Division
P.O. Box 1400
Danville, VA 24543

RE: New Case Filing - Mark Belton v. Halifax County Virginia

Dear Clerk:


Please find the enclosed materials submitted for filing with the U.S. District Court for the Western District of Virginia, Danville Division. Included here are:

- A Civil Cover Sheet
- An original Complaint and two (2) copies
- A Summons for the Defendant in this action and two (2) copies
- A Civil Cover Sheet and copy of the Complaint, to be file stamped and returned for the attorneys' records, with the enclose pre-addressed, pre-paid envelope

No filing fee has been provided as this matter is exempt from filing fees pursuant to 38 U.S.C. § 4323(h)(1).

If you have any questions or concerns regarding this filing, please do not hesitate to contact me. I can be reached at (703) 226-2715.

Very truly yours,



Susan M. Simpson
Counsel for Mark Belton