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'ah Law Wins a Major Victory in Retaliatory Discharge Case



WASHINGTON, DC--(Marketwired - Dec 31, 2013) - In a precedent-setting Christmas Eve ruling, lfrah Law PLLC won a major victory in a retaliatory discharge case filed against its clients, Torres Advanced Enterprise Solutions LLC (TAES) and Scott Torres, in the United States District Court for the District of Columbia. In a 26-page opinion, Judge Ketanji Brown Jackson dismissed all four counts of the First-Amended Complaint, agreeing with lfrah that the Defense Base Act (DBA) provided the exclusive remedy

for the plaintiffs' causes of action and otherwise preempted their case.

"Judge Brown Jackson's ruling sets important precedent regarding federal pre-emption in workers' compensation issues overseas and retaliatory discharge charges," founding partner [Jeff lfrah](#) said. "This resounding victory for employers and the court system will save the time and expense of litigating complex retaliatory discharge claims that can otherwise be resolved more efficiently in the administrative context." Rachel Hirsch, a senior associate at the firm who argued the case, noted, "Despite the lack of clear precedent on the issue, this opinion clearly establishes as the law of this district that employees subject to a federal workers' compensation plan must exhaust their administrative remedies first before filing an action in court."

The Christmas Eve victory stems from a complaint originally filed against lfrah's clients more than two years ago, in which plaintiffs David Sickle and Matthew Elliott, who worked for TAES at Forward Operating Base Shield in Iraq, claimed that they were improperly discharged in retaliation for filing a workers' compensation claim under the Defense Base Act and Longshore and Harbor Workers' Compensation Act.

Ruling in favor of [Jeff lfrah's](#) clients, Brown Jackson found that plaintiffs were required to exhaust administrative remedies before bringing their retaliation claim in federal court. She agreed with lfrah that relatively few courts have considered whether a plaintiff can file a stand-alone action under the DBA because federal courts generally exercise only appellate review of final Department of Labor workers' compensation decisions. She also noted that the court was not aware of, nor had plaintiffs cited, any federal court decisions that entertain an original cause of action like the one instituted by plaintiffs without exhaustion of administrative remedies.

Brown Jackson further held that plaintiffs' remaining common-law causes of action, including breach of contract, were preempted under the DBA. Specifically, she noted in her opinion that federal courts across the country have found that the DBA expressly preempts other remedies state law affords to similarly situated plaintiffs. Accordingly, the doctrine of conflict preemption barred plaintiffs' common-law claims and mandated their dismissal.

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