

PART A

1 HOUR

FACILITATORS:

Distribute Part A and tell each group it has some 45 minutes to review the materials and answer questions posed within the group by the facilitator(s), after which some 15 minutes of all-group dialogue will ensue.

1. Based on the denial, how would you describe this case?
2. At face value, does the denial seem valid?
3. Based on both denial and court petition, is the denial still valid?
4. Page 6: DOL email traffic includes the comment that “the reason [for the gaps in education] doesn’t matter”. Is this correct? Is this reasonable? How is the case evolving?
5. P.8: The prior RD to deny included a phone statement where the claimant/survivor asserted that he was “physically and mentally capable of self-support” when the employee/father died in 1972. The claimant now states: “This statement [within the RD] is completely false.” How do we feel about this assertion, and does it matter how we feel?
6. What is the claimant’s best argument for acceptance at this juncture?

PART B

1 HOUR

FACILITATORS:

Distribute Part B and tell each group it has some 45 minutes to review the materials and answer questions posed within the group by the facilitator(s), after which some 15 minutes of all-group dialogue will ensue.

1. P.3, para. 5: Which argument is more compelling in the Director's Order – incapable of self-support or full-time student? Which way is the case headed?
2. P.4, para.6: Absent clear-cut policy ("does not neatly fit"), what should we do? How do you think we will ultimately rule on this?
3. P.5, para. 1: Can someone who is truly incapable of self-support *be* a full-time student in a regular college? Does this matter?
4. What does the Conclusion, page 5, actually do?
5. Does the development letter, pages 6-7, add anything?
6. After receiving both the Director's Order and a development letter, what actions did the claimant take (pages 8 & 9) and how, as a CE, do you view those actions? Does this view matter?

Distribute Part C and convene the larger group to review and discuss.

1. Do the Final Decisions seem predictable or inevitable?
2. Did the court petition help the claimant?
3. To what extent did we create an avenue for the claimant to be successful? (Coaching versus discovery)
4. Ultimately, what element did the claimant develop in order to win his case?
5. Could the case have turned out differently?