

CONGRESSIONAL CASEWORK

“THE GOOD, THE BAD, AND THE UGLY”

WHAT WORKS, WHAT DOESN'T, AND EVERYTHING IN BETWEEN:

PROCESS, PROCEDURES, COMMON SENSE, ADVICE,

CONUNDRUMS, AND BEST PRACTICES

Last Updated: 11/23/16

Four Casework Perspectives:

- “But a company with 600,000 customers would have more than nine employees... Thus we Americans have struck a remarkable bargain. We pay them \$566,220 a year, less than a dollar apiece, for a congressman and his staff, and in return they listen to us carp and moan and fume and gripe and ask to be given things for free. Because this is, in the end, what legislators do. They listen to us. Not an enviable task.”

P.J. O'Rourke

- “One-third of your constituents hate you, one-third love you, and one-third aren't sure, so a top notch casework operation hopefully pushes those unsure constituents off the fence and into the love you one-third.”

Former Congressman Bob Walker

- “I don't know what the hell this logistics is that Marshall (Army Chief of Staff) is always talking about, but I want some of it.”

Adm. Ernest King – Chief of Naval Operations in WWII.

Analogy -- Members have no idea what casework is, but they want some.

- When the Member has total confidence and trust in their constituent service operation back home, they can focus on arguably their most important job – creating good public policy and passing laws to guarantee those inalienable rights to “life, liberty, and the pursuit of happiness.”

Tom Tillett

PREFACE

The most fundamental and important justification for congressional casework is found in the First Amendment to the Constitution of the United States. At the end of the amendment the following is written “...and to petition the Government for a redress of grievances.” **So, in essence, the Constitution mandates casework, and therefore, caseworkers!** Casework is also representational; that being a fundamental responsibility of a Member of Congress (Member).

Even with a large number of variations, there are also procedures, policies, and time tested methods that can create a professional, responsive, and first rate constituent service operation that reflects very positively on the boss, and has clear political benefits. I can assure you that helping Aunt Mary resolve her Medicare problem creates far more good-

will than anything ever done in DC by the Member. Well, maybe a Dome Tour when they start up again next year (2017). Very very cool. Greatest view in DC!

This *Casework Guide (Guide)* is written mainly for new, and relatively inexperienced caseworkers. The emphasis is on the reality of the emotional, complex, and sometimes difficult situations that caseworkers encounter nearly every day. It provides **practical** advice. Like so many aspects of modern life, casework is a **process** governed at times by very clear rules, procedures, and accepted practices; and then not so much. I've tried to provide guidance and advice on both the clear and unambiguous, as well as the murky and ambiguous. In other words, what works and.....not so much. My goal is to give you the confidence, advice, guidance, and wisdom to quickly become a good caseworker, and ultimately a truly great caseworker with all the necessary skill sets.

One of the most vexing issues for new staff is learning what's handled in the district office(s) vs. the D.C. office. This test should work in most offices I believe.

Simple test – every ask that is dealt with before reaching the President's desk is handled in DC (still a bill) and every ask handled after leaving the President's desk (now a law) is handled in the district. There is one major exception.

The federal rule-making process can be a hybrid DC/District issue, and is the only significant scenario where this basic rule does not always work. Section Ten in the *Guide* is about this issue.

Just make sure the Chief of Staff (COS) in DC gives you a big raise when you hit "Great Caseworker" status. You're making a far larger positive impact on the Member's constituents than the COS ever will. Ouch. Also, every so often remind the DC staff that they only have jobs because of all the hard work done by the district staff. Remind them that there are no voters in DC! You're gonna be real popular with the DC office.

I certainly do not claim to have the market in casework knowledge cornered; indeed, far from it. I tried to be comprehensive, but I'm sure a few issues were missed. I'd love to hear your opinions, and welcome candid feed-back. This Guide will never really be completely finished, but is a "work in progress." There are several other *Casework Guides* that are available. The most recent one from January, 2011 was written by the staff of Congressman Marlin Stutzman, and is based in part on a *Guide* done in 2005 by the staff of former Congressman Cass Ballenger.

Also, the Congressional Research Service (CRS) has an excellent *Guide to Casework*, plus several other supporting documents. CRS is discussed in great detail later.

This *Guide* should be used in conjunction with them, and hopefully together they will complement each other. My idea was to get down in the "trenches," "minefields," and "swamps" where most caseworkers operate day in and day out. As noted above, but

worth repeating; casework **is process-centric**; hence, this *Guide* focuses on process, and all the varied, numerous, and complex issues that impact that process. My possibly somewhat naïve goal is that after reading this (now) novel, a new or relatively inexperienced caseworker will have a pretty darn good idea how this thing called “casework” operates. Also, remember that grad school is always an option!

I would also strongly recommend reading the chapter on Casework in your respective (House and Senate) Ethics Handbook. The *House Ethics Manual* does not even use the word – caseworker -- instead using: “Ombudsman, Facilitator, Go-Between, and Conduit.” It is interesting to note that the *House Ethics Manual* (2008) primarily uses language from 1952 written by Senator Paul Douglas to explain the fundamentals of casework, and the five specific actions (see pages 300 or 306) that Members can take to assist constituents. The Office of General Counsel (OGC) web-site has an **excellent** section on casework communications. Go to “About OGC,” tab is on the left.

If you only read one thing in Chapter Eight of the *House Ethics Manual*, read the first full paragraph on page 306 because the entire chapter is a long, tough slog that involves repeatedly fighting off unconsciousness, or worse! Maybe a few pictures, graphs, anything! Some jokes, funny anecdotes? I mean you folks in Ethics have a target rich environment! If you could chemically synthesize the *House Ethics Manual* into pill form, I’d call my broker and short the stock of the company that makes Ambien.

I have attempted to integrate humor into every part of this *Guide* because frankly this world is just far too uptight, we tend to take ourselves far too seriously, and we need to laugh whenever possible. If I have offended anyone, crossed some invisible P/C line, or had an inadvertent “micro-aggression” in this *Guide*, please accept my contrite apology.

Please let me know if I can ever be of assistance. My predominant goal is to help make every Member’s casework operation into the very best one it can be. Good luck in your career. I’m jealous because mine is ending. I finally need to find a real job. Due to this *Guide*, maybe far sooner than I was planning.

You have a truly **great job**, never take it for granted, have fun, laugh a lot, and within the rules, regulations, ethics, and accepted practices of casework; always try to “get to yes” for the constituent. They deserve nothing less.

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House-keeping Details:

- 1) Style note: if you'll indulge me, I will use "him" for both "him" and "her."
- 2) I would like to express my sincere thanks to **Eric Petersen**, Congressional Research Service (CRS) casework honcho, for all his simply great advice, edits, counsel, and going way way above and beyond. This Guide was made so much better due to Eric; Susie Gorden, from the Congressional Management Foundation (CMF), for her incredible support, insights, and suggestions; Bob Reilly, Deputy Chief of Staff for Congressman Scott Perry and his casework staff; Sue Zimskind, the head of casework for Sen. Pat Toomey; Elizabeth Miller, Intern, Nick Cammauf, Special Assistant, Joanne Horn, Director of Constituent Service, and Beth Hershock, Executive Assistant, all four from Congressman Joe Pitts' super superlative casework shop for all their great advice, guidance, and friendship.
- 3) This *Guide* **does not** represent or reflect the official position, policies, opinions, philosophy, or have the imprimatur of any Member, CRS, CMF, House Republican Conference (HRC), or any other congressional support organization. The opinions, advice, ideas, suggestions, counsel, suggested procedures, humor and best practices are solely based on my 31+ years in the casework biz. I am completely responsible for the content of this Guide.
- 4) It can be a challenge to write a *Guide* that has some potential value for 541 somewhat unique systems. I would ask you to please always keep in mind that the ideas, suggestions, best practices, and advice I provide might not be allowed or condoned in your particular situation. I have been fortunate to work for two Members who allowed for a great deal of flexibility, creativity, and "outside the box" thinking in the service of their constituents. This *Guide* reflects that.

Casework Jargon, Glossary, and Terms:

Agency: Generic term that can mean a department, agency, commission, or other office of the federal executive branch.

Ask: Exactly what the constituent wants from the Member. The caseworker and constituent should be very clear what the ask is. The meeting should never end until the ask is clearly and mutually agreed on.

Boiler-plate: Agency BS. Enough said.

Casework: Contacting a federal agency on behalf of a constituent to resolve an issue, problem, or to obtain information. Typical casework would be asking for expeditious or expedited handling, expressing the Member's interest in the issue, or asking for a

favorable decision within the rules and regulations of the particular agency. To be considered a case, an agency must be contacted in some manner. This is more important in office's that have a formal evaluation process so the supervisor is comparing apples to apples. Simply answering a question, providing an explanation, or directions is not a case. Obviously highly subjective.

Caseworker: An under-paid, over worked, and stressed out staffer who does casework. Most likely could not find a real job. There are probably more congressional staffers with that title or something similar than any other in the United States Congress. This naturally would be quite confusing and alarming to 'ol Ben Franklin, Tom Jefferson, George Washington, James Madison, John Adams (there is evidence that John Adams was one of the original caseworkers) et.al., who thought that Members of the legislative branch made laws! Imagine that, lawmakers make laws. If they only knew what those ten words at the end of the First Amendment would lead to....! Hey, jobs for all of us!

Congressional: An inquiry or case, usually referring to a letter from the Member. As in – “yes, we sent in a congressional.”

Constituent Service: Casework is a sub-set of constituent service that is more narrowly defined as helping an individual experiencing some type of issue with a federal executive branch agency. Constituent service is a broad term encompassing virtually everything a Member does for his constituents.

COS: Chief of Staff. The District Director usually reports to the COS, and in most operations, is in charge of the entire staff, DC and District. Usually, but not always, based in DC. Rarely, if ever involved with casework. If he is, not generally a good sign. Main responsibility is advising the Member on policy, issues, legislation, and politics. Usually Member's most trusted confidant, and influential advisor. Most caseworkers would have limited contact with the COS. If you do, most likely your nascent caseworker career is in some serious jeopardy.

CRS: Congressional Research Service. Created in 1970. Operates as an “in-house think tank” for Congress. CRS is an incredible resource for caseworkers. Get used to using CRS. There is an entire Section in this *Guide* on CRS. Keep CRS in mind when you have a particularly complicated, nuanced, or unusual case. They are very prompt and very helpful. CRS is an important tool in your tool-box.

CYA: Cover Your A--. Look out for number one. Career preservation. If you're going down, so is the DD! Smart caseworkers are always doing this. Good CYA SOP – cc the DD on e-mails in touchy matters. You can then always say “.....hey, don't look at me, the DD knew about this too.” Put the blame on him, plus he's pulling in \$103,000 and you're making \$37,500.

DD: District Director, generally the overall casework shop honcho. Some Members have a Director of Constituent Service or Casework as well. DD generally reports to the

Chief of Staff (COS) in DC. If the COS is routinely involved in casework, I'm guessing the DD's days are numbered. Hey, you might get a promotion sooner than you thought! We have a Director of Constituent Service, thus allowing me to play lots of golf. Hey, they can always call me! You know – cell phones.

Final: The agency letter, e-mail (or possibly call) responding to the inquiry (case). As in -- “.....hey, did the final come in yet for that “MIC” case?”

Frequent Flyer (FF): A constituent who contacts, usually by phone, the office (most likely district) on a very regular basis. Some FFs do send in letters. Happily for the district staff, most FF letters get answered by the DC staff. A staffer (or always the intern) who is relatively low on the office food chain gets the FFs. Sort of soft hazing, or “paying your dues.” We all had to do it. Is saying ‘hazing’ P/C? Oh no, the P/C police are gonna have a new scalp. Is that a micro-aggression against interns?

In the Barrel: Not being able to end the touch (contact with constituent) no matter what you try. As in –“Holy cow, that new intern has been “in the barrel” now for like what, 40 minutes?” A source of great levity for all staff but the one “in the barrel.” Aloha, welcome to FF Airlines. If you work for a “never hang up” policy Member, good luck!

Legislative Liaison (LL): – Designated office for congressional inquiries in federal agencies. The staff there do the intake, and then go into the bowels of the bureaucracy to address your ask. Can also be called Governmental Affairs or Legislative Affairs. Almost all federal agencies have a LL office. Please note that it is possible certain smaller state, or regional offices might not have a formally designated LL office, but except in very rare cases, there will be someone on the staff who wears the LL hat. You must ask of course for that person.

M.I.C.: Member Interest in Case. Pronounced like “Mick.” As in – “.....this case has MIC, so don't screw up like you did the last one.”

Office Culture: A somewhat un-definable, nebulous, and informal list of unwritten rules, customs, and practices that sets the tone of the office; and inform behaviors, expectations, and relationships. A certain “office culture” might assume that agencies are always wrong, mendacious, and cannot be trusted; ergo, caseworkers are more aggressive, edgy, and direct with their LL contacts. In other words, is there an adversarial relationship, versus one of a “team” mutually trying to help the constituent? New caseworkers need to figure this out as soon as possible. The Member and senior staff of course have a huge impact on the office culture. The casework shop often reflects the Member.

O.P.M.: Other People's Money. The “people” are the good ‘ol taxpayers of America. The U.S. Congress spends OPM exclusively, having absolutely no money itself. Sadly, most OPM today is coming from those yet to be born, and some very committed savers in Guizhou Province, Peoples Republic of China (PRC). Ouch.

PACF: Privacy Act Consent Form. Must obtain from the constituent in order to open a case. Agencies have become increasingly strict about getting one. Can be used by good caseworkers to determine how serious a constituent is regarding their problem.

POC: Point of Contact. Should include name, title, phone number, and e-mail address.

Shop: The staffer(s) who specialize in a certain aspects of the operation. Usually there is a Legislative (Leg) Shop, Casework Shop, and Communication (Comms) Shop. The Legislative Director (LD) runs the leg shop, and the Press Secretary honchos the Comms shop. The Comms shop is most likely a shop of one, unless the Member sees himself a Governor, Senator, or President, then there might be a Press Assistant too. Leg. Shop is most likely three to five staff, based in DC.

SOP: Standard Operating Procedure. Accepted, common office practices understood by all. Examples of SOP: (1) whenever an elected official calls, the DD takes the call, (2) at the end of every call the staffer says "...please feel free to contact me again if you feel Congressman _____ can be of assistance."

Read In: Briefed on the case, made aware of the details. This is more cool beans DC lingo.

Run/Ran the case: Open a case, can be past tense. I ran a case for him. More cool beans insider stuff to demonstrate that you're a big and bad Congressional Caseworker.

Run the Trap: Make a phone call, send an e-mail, almost any type of contact with another person, most likely asking for a favor, information, or asking a question. As in – "Hey Bob, run a trap and find out when Speaker Ryan's bill on Members getting a 20% raise is gonna drop?" Double the fun here – "gonna drop" is more cool beans stuff! This term is used by staffers who think they're all big and bad insiders.

Individuals who use this term are probably also afflicted with the "holy cow mom, look, I work for a Member of Congress; therefore, I'm an extremely important person" syndrome. They'll get over that after a few constituents scream at them for 43 minutes for no apparent reason, and there is less than diddly squat they can do about it because the Member they work for has a – *staffer can never hang up on a constituent* – policy. Ouch. Yep, should've taken that LSAT prep course. Big mistake.

Also, never say "DOT" as one word. Say "Dee-Oh- Tee." If you say DOT, trust me, there are gonna be some real nasty e-mails flying around the office making fun of you. Note how everyone's head is down writing said e-mail.

Touch: Constituent call, walk-in, fax, letter, e-mail, web contact with Member. Can also be used as a noun to denote the constituent. Not to be confused with the mental health meaning.

Nuggets of Casework Wisdom/Anecdotes/Witty Stories:

- I'm always amazed how people who are very law and order oriented, have a throw-away the keys, and build a wall mentality; suddenly change their mind when it comes to an out of immigration status, and hence a law breaking individual who happens to be a friend, or a friend of a friend, or just a really great young man, or boy is she a hard worker, or some excuse why this one time (just once mind you) the law should be ignored due to pressure from a politician. Can't make this stuff up. Ever hear the phrase – cognitive dissonance?
- Everyone is for smaller, less expensive, and more efficient government until.....they're not. Similar to -- everyone is an environmentalist until there is a direct cost to them associated with said beliefs. Then not so much.
- I was at my doctor's office. When I was called back to see the doctor, the nurse seemed extra friendly, like she knew me, and just seemed happy to meet me. Yes, I do have that impact on women. She was born in the Manila, and legally came to America many years ago. When I said to her it seems you know me, she said no, I know you work for Joe Pitts. She then went on to tell me how much the local Filipino community loves and respects (and hopefully votes for!) Joe Pitts because of all the great help the office has been over the years on immigration matters. That really had an impact on me. If you get jaded, hearing something like that is a real tonic.
- When a constituent wants to come in and show the boss an exciting new idea, or invention, or to talk about this incredible business idea they have, I 100% guarantee you it is really about getting some OPM.
- Never have a district office near a District Justice's office, a child support office, or an office that accepts tax payments. The best district office location is very difficult to find, is confusing on mapping programs or GPS, has terrible parking, virtually no directional signage once in the building, and you can't validate parking garage tickets. Just kidding, calm down already.
- When I first started I received very little training. No one told me that the Member "signs" all outgoing letters, and not me. So I'm writing up a storm of letters, thinking I'm all big and bad until one day the office secretary who'd been there 30 years takes me down the hallway and quietly explains that staff never sign letters, only the boss. Trial by error. We also still used type-writers! Holy smokes, but we did have a fax machine long before they were prevalent.
- Yes, Boyers (PA) really does exist. It is in a cave, yes, a cave. No, they still do not have computers. The Office of Personnel Management (the other OPM) is

doing a three year feasibility study regarding acquiring three used original IBM computers using DOS. Sort like all those “Trust Fund” \$ trillions sitting in a vault in a mountain in West Virginia. Yep, the joke’s on the future.

- Peter Kostmayer was a Member from southeastern Pennsylvania first elected in 1976. His district was in a section of the state that James Carville does not consider Appalachia. He had a famously aggressive casework shop that included caseworkers actually leaving the office and confronting people who were allegedly giving constituents a hard time. This incredibly included domestic situations. Whoa. In 1980 the Reagan tsunami washed him away; however, in 1982 he won the seat back. During the period he was out of office (1980-1982), using personal money he continued to do casework like he was still the Member. This is a true story.
- There have been several scholarly and academic attempts to determine if a strong casework operation translates into votes. In brief, the studies are inconclusive. Obviously, based on the sophistication, cost, and complexity of the congressional casework operation at both ends (Congress and Agency), Members do believe there is a direct correlation between strong casework and votes. That’s good for all of us who pay our bills due to the existence of casework!
- Karl Rove liked to tell the story of a surgeon who was over the age limit to join the military, but passionately (very emotional story) wanted to serve. President George Bush became personally involved. After successfully jumping through myriad hoops (it is the military), there was a meeting in the Oval Office with Marine General Peter Pace, the Chairman of the Joint Chiefs of Staff. Gen. Pace agreed to an “exception” on the age, and the gentleman joined the Navy as a surgeon. Now that is some truly High Level Casework.
- For a very negative view of casework, and its role in the job of a Member, see: <http://nyti.ms/UzTY5m> Article is entitled “A Congress for the Many, or the Few? Ouch.

NOTE:

The House Office of General Counsel (OGC) website, <http://generalcounsel.house.gov> has an excellent section on casework communications. Just go to “About OGC” tab, and select Casework/Communications on the left hand side. It is short, easy to understand, and very specific regarding Member communications in almost any situation.

CONGRESSIONAL CASEWORK

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INTRODUCTION:

For more than three decades, it has been my privilege and honor to work as a congressional staffer. I have never taken my job for granted, and know how truly lucky I've been.

Most of the time I have done casework or supervised caseworkers, helping to solve problems with federal agencies that constituents bring to their Member of Congress. It has been a great ride, but like most things in life, it is coming to an end. I've had this idea to write a *Casework Guide* for many years, but just could never quite find the time. So I finally made the time, and time and time!

As I noted in the Preface, the over-arching objective of this *Guide* is to provide very practical, pragmatic, time tested, and common sense advice, guidance, and hopefully wisdom. Maybe more seasoned caseworkers might pick up a few things as well.

I hope you find this *Guide* at least somewhat helpful in providing the very best, most professional, on the ball casework operation possible. Your Member's constituents deserve nothing less.

Again, I want to express my sincere thanks to Eric Petersen at CRS for all of his invaluable advice, suggestions, and counsel. He went way beyond the call of duty. If you find this *Guide* useful, he deserves much of the credit. If not, he deserves **all** of the credit.

Finally, I need to thank former Congressman Bob Walker for giving me the opportunity to serve the great people of PA-16, and Congressman Joe Pitts for the trust and faith he put in me to run his district operation for 20 years. Three simple, but powerful words sum up both of them – *decent, kind, and humble*.

Tom Tillett
July, 2016
Lancaster, Pa.

HOMEWORK -- Find out what PVI (Charlie Cook) is and how it impacts casework.
Hint -- Low PVI = very aggressive casework operation; High PVI = less aggressive, more relaxed style.

Eight Golden Rules for a Great Caseworker:

- 1) Never forget, to the constituent, you are the Member, and you are using the Member's name to establish your legitimate jurisdictional connection to the case. Always keep in mind that your ability to help people flows from the Member.**
- 2) You are an aggressive problem solver, always working within the rules, regulations, ethics, customs, and traditions of casework. (There are a few naughty little tricks I will mention, not that I've used them!)**
- 3) You are the constituent's advocate, aka, you're on their side, and they always get the benefit of the doubt.**
- 4) Good caseworkers are good listeners who then ask good questions.**
- 5) Be positive, yet pragmatic; under promise, and over-deliver; be clear that you are absolutely committed to making a strong effort, but you cannot guarantee a positive result. You are only promising a strong effort.**
- 6) Be very careful in what you convey to the constituent, and the advice you give. Be positive you really know what you're talking about. No winging it. The constituent views you as having authority; ergo understanding, knowledge, and wisdom as well. To the average person, a Member of Congress is a powerful person, making you influential as well.**
- 7) Never say – “never, always, or guarantee.” You'll regret it if you do.**
- 8) Casework should be handled in strict confidence (like a lawyer-client) between the congressional office and constituent. Your boss is a very high profile community leader who does not need gossip due to inappropriate comments made by staff to outsiders.**

SECTION 1

PROCESS IN CONGRESSIONAL CASEWORK --- INTERACTION WITH THE CONSTITUENT AND THE DEVELOPMENT OF THE INQUIRY

- What follows is an attempt to show a **fairly normal baseline case**. Understanding and being at least somewhat familiar with what I consider a common case development and flow standard will allow you to better put into context explanations in Sections One and Two of this *Guide*.
 - 1) Constituent makes contact with the office in some manner.
 - 2) Caseworker determines if the three parameters to open a case have been met.
 - 3) If no – referrals if appropriate and/or explanation of why your boss cannot provide assistance, or re-direct to their Member. Try to avoid the last word they hear being – No.
 - 4) If yes – develop case, to include any agency correspondence, completed and signed PACF, your notes from interviewing the constituent, relevant documents, cancelled checks, and/or any letter(s) written by the constituent. Really whatever is needed to open the case.
 - 5) Create the inquiry and convey (several options how) it to the appropriate agency LL office. This might require you to redact, summarize, analyze, and put the information into a cogent package for the LL staff. I’m stipulating you understand the new case is documented in a House or Senate approved correspondence management system. Not to state the obvious, but scanning and e-mailing the inquiry is increasingly *de rigueur*.
 - 6) Send the constituent a (template most likely) letter confirming that a case has been open.
 - 7) Depending on your SOP, create a reminder date as part of the electronic case creation. I’m guessing 30 days is typical. Low PVI (do your homework?), maybe = 15 day reminder? Can be more aggressive based on your office culture. Depending on your office SOP, if you have a 30 day tickle, it is certainly ok to have a “verbal” interim. This means you call the LL office, and ask for the status on responding with the final, and then conveying that information to the constituent. A good goal is to never go more than 30 days with no constituent contact. The agency can call you as well with a verbal interim.*

- 8) If an agency interim is provided, forward it to the constituent with a cover letter. This is optional of course, but we reset the reminder to 30 days from the date of the agency interim. In some instances there might be multiple interims.
- 9) If the agency final arrives prior to the reminder date, just forward the final with a cover letter, and close the case. New caseworkers should read all finals, they're filled with good information.
- 10) If you did receive an agency interim, subsequently the final arrives; attach a cover letter and convey to constituent.
- 11) Close case on your particular correspondence management system.

This rarely happens (amazing since the majority of agency finals are not favorable), but when a constituent is unhappy with the agency final, the best SOP is to ask them to put their detailed concerns in a letter, and then simply re-open the case.

Note: I want to be perfectly clear there are many many ways to “run a case.” In some instances, you might use a variety of communication methods, follow up calls, online research, consulting with resources, a meeting, trip to DC or the Regional Office, calling CRS, committee staff, or your leg. shop. The list goes on and on. The rest of this *Guide* will help you learn what is generally typical, and hopefully prepare you when something, as it inevitably will, goes south. One constant in casework is surprise, and the unexpected. Like flying an airplane on auto-pilot, but then engine number two flames out, and your training to expect the unexpected kicks in.

Also, there are gradients of “ownership” in casework. The majority of your cases will most likely adhere to the above steps in somewhat of a pro-forma process. One end of the spectrum might be a very “vanilla” case where you are simply forwarding the constituent’s communication (letter, e-mail) to the agency without comment or Member added narrative; vs. where the Member is involved personally, you escalate within the agency, or staff attend a meeting with the constituent. If you are more aggressive or push the agency; one could argue that you are taking on more “ownership” as well. While common sense, if you escalate ownership there should be clear and compelling reasons why.

I hope you work in an office that allows you to determine on a case by case basis the optimal techniques, methods, process, and tactics to provide the Member’s

constituents with the very best casework operation possible. In many ways you are a detective or a lawyer doing discovery, and indeed; many cases are unique and will make you think out of the box.

Since this *Guide* is about casework, I'm not going to discuss the myriad ways to handle district legislative based constituent contacts. One extreme would be that every leg. issue is always handled in the DC office with no exceptions to where district staffers have the option of handling leg. calls by using Congress.gov (the old Thomas), their own knowledge, or other leg. resources. We generally just take the information, and convey to the DC office via the computer. If the DD is a casework/policy wonk hybrid, then obviously he might handle leg. calls in certain circumstances. An effective technique is to print-out the Congress.gov HR ____ summary, scan, and e-mail to constituent. Bada-bing, time for lunch!

*this should all be noted in your system's work-flow notes, or diary function, or open note section. In a way that anyone can understand what you did.

- You have contact with a constituent who is having some issue with the federal government. In determining whether or not to open a case, there are just **three simple questions** – is the person a **constituent** (find out quickly), is the **issue a federal one**, and is your boss being **asked to do anything illegal, or unethical?**
- At the very beginning of the touch, make sure they're a constituent. House rules require Members to use resources and staff to help constituents with a domicile and address within the district. If you are not sure, there are several resources to quickly determine residency. There is nothing worse than talking to a person for 20 minutes, and then discovering they are not a constituent. If the caller (or walk-in) is not a constituent, it is your job to get them off the phone expeditiously (30-60 seconds) so you can assist actual constituents. Since the person is not a constituent, you can be slightly more aggressive in terminating the call, unless of course your boss looks in the mirror every morning, and sees looking back a Governor, or US Senator. If already a Senator, then a President.
- After you have determined that all three parameters have been met, you must essentially interview the constituent almost like a lawyer or a reporter. Again, good caseworkers ask good questions. As you become more experienced and understand the issues better, that will lead to better questions. Some offices I'm sure have some type of issue/question template to follow.
- If the touch is a letter, e-mail, or via the Member's website, a similar process is followed, but you already of course have some of the information you need. In fact, you "triage" the situation, determining the best course of action. If the

decision is to open a case, obtain the necessary information, have a Privacy Act Consent Form (PACF) completed, make copies of the relevant documents, and be in absolute agreement on the “ask.” In the age of e-mail, ask them if they prefer e-mail, phone, or mail for communication purposes.

- You must be in charge of the call, or face to face meeting. After all, your time is valuable. Do not allow the constituent to wander, regale you with superfluous or complex medical information, tell you their entire life story, or allow them to think you are the decision maker. Keep the constituent focused, and do not hesitate to find out what the ask is. This can be easier said than done, especially for a newer caseworker who does not want to have a constituent complain about them, or if the office culture is “grin and bear it” to they are talked out, aka – “you’re in the barrel.” There is nothing wrong with saying – Sir, what exactly do you want Congressman Smith to do for you? Focus and control, right?
- One of the most effective techniques to keep the constituent focused and “on task” is asking specific and relevant questions about their issue. This obviously assumes the caseworker knows what questions to ask, a skill that comes with experience. It is outside the scope of this manual, but some offices might list common casework issues, and then identify the must ask questions. Or there might be a standard (case creation) form you must use. Another benefit of asking the right questions is to demonstrate your sincere interest in their problem, and to give them confidence in your abilities.
- Again, and worth repeating, be positive, yet pragmatic; under promise, and over deliver; and be clear that you are committed to making a strong effort, but cannot guarantee a positive result. Strong advocacy, but within the rules.
- Constituents of course are not always going to tell you the complete truth, or they might “strategically withhold” some important piece of information or fact. This could be forgetting to tell you that they did file an appeal already, but most likely didn’t like the answer. Another situation could be a scenario where the IRS rescinded a repayment agreement, but the constituent fails to tell you they did not file their 1040 for last year. This automatically terminates a repayment agreement. So you go chasing your tail, but really the constituent most likely knows why already. This is also a great example of the caseworker being more effective by knowing the terms of an IRS repayment agreement. Again, this all takes time. If the caseworker knows being up to date on your 1040 filing is a key part of the agreement, that would possibly be your first question -- “Are you current?” If not, see you later. Nothing we can do except tell them to get current. Trust but verify!

Example

A constituent contacted us very upset because they were told by the Social Security Administration (SSA) that they went past the 60 day window to file a Reconsideration or Waiver Request. We contacted the local SSA office and were told there is no evidence of any filing, plus the constituent did not make copies of the Recon. and Waiver requests. Finally, the constituent admitted they were not filed, but hoped we could get an exception to the 60 day rule. So we were in essence chasing our tail.

Example

*This is a common scenario, but not a specific example. A very typical (at least for us) IRS case is where an employer withholds federal taxes (941 or quarterly taxes) from his employees, but does not remit the funds to the IRS timely or at all. In most cases, the business is struggling, and the money is used to keep the doors open. Eventually the IRS catches up with the employer, and bad things begin to happen; therefore, we are contacted. It is very common for the employer to not tell the truth about the number of quarters in question; hence we advocating for a person that has been violating a legally binding fiduciary obligation for a **long time**. Remember, we are always using the Member's name in casework, not our own.*

- Make sure the constituent understands what you're going to do, the constraints on your boss, and that he cannot unilaterally waive rules and regulations. In my view, the constituent should **never be allowed** to get the impression that some special "action" or "soft" intervention, or a wink and a nod are going to be taken that other people don't have access to. To be clear, there are situations where it's totally appropriate to use the Member's name and your skills to help a constituent with a little nudge carefully applied. Use common sense, and you'll be fine.
- Constituents contact their Member with a variety of agendas; however, two very common casework ones are to (1) simply get help, solve the problem, get a more clear explanation for the agency action etc., or (2) to get some type of "special" exception made, have a non-normal process used to adjudicate their particular claim/application, have "political influence or clout" applied, or in general get something not available to other people. The sooner you figure out if you have a # 1, or # 2 on the phone or in your office the better. Of course, the term "political influence" is rarely used by the constituent, but you'll know it when it happens. After you discern this, it will make your subsequent inter-action easier.

Example

You have a constituent with a Social Security (SS) over-payment. Most likely the constituent is very upset because they were recently informed they owe a great deal of money. In many cases, the ask is for the Member to make the over-payment disappear. Also, the constituent might claim it's not fair because they did not cause the over-payment. They might be absolutely correct, but federal courts have repeatedly ruled the debt still exists. And simply tell them the Member cannot make the debt go away. I'd advise not to give a "soft" impression of the Member eliminating or lessening the amount due.

You should explain that three possible actions are available. One – file a Reconsideration request, two – file a Waiver request, three – file both concurrently. It is extremely important to explain that a waiver request must be filed to preclude the temporary termination of benefits to collect the over-payment. Finally, you should explain the important differences between a waiver and request for reconsideration.*

The above would be a fairly typical way of handling a SS over-payment. There are two other options. First, you can request more detail (a worksheet) from the SS Payment Center serving your constituents. Please note this is NOT considered tantamount to a Reconsideration request. That must be made very clear. Second, you can offer to monitor the status of the Reconsideration and/or Waiver request after the documents are filed.

*Offering to send in the Waiver and/or Reconsideration request with a Member signed cover letter is always an option, but only **as a last resort**.*

Note: Always be extremely clear that the appeal, waiver, or re-con request must still be filed by the constituent. A congressional inquiry is not an appeal.

*A waiver request is where you are in a "soft" manner not arguing that the Social Security Administration (SSA) is wrong; but that you simply cannot afford to repay the amount in question. To be approved, you must demonstrate that (1) you were not at fault (no-fault) in creating the over-payment, and (2) can prove (by completing a long financial questionnaire) that you simply cannot afford to repay the debt. SSA has some fancy phrase about "equity.....and the interests of the government....."

With a Reconsideration request, you are arguing that the SSA is incorrect, and there is no over-payment, or possibly it is an incorrect amount. So you can see, these are two **very different** things. Do not screw these up. Always be sure what you're saying is accurate. As noted above, you represent (high) authority to the average constituent, ergo, knowledge is assumed.

Example

Soon after I started doing casework during the Eisenhower Administration, I was presented with a situation where a married couple would be better off financially by being divorced. Sort of as an aside or throw-away line I said – “Hey, get divorced.” Guess what – they did! I learned an important lesson that day.

- Also, provide an approximate time-line. We use the 30 day reminder, but that is obviously determined by each office, and might be based on typical agency response times. You can of course be more aggressive with a 15 day reminder, or even less if you have a very aggressive office culture, or your boss just won with 50.2% of the vote.
- Again, never lose control of the inter-action. You set the pace, tone, and keep the constituent focused on the matter at hand. I know that office cultures, and the Member’s style impact this; but there is nothing wrong with saying – “.....sir, I understand you’re very upset, and I would be too, but we need to stay focused on why you called (or walked in) Congressman X because I have a number of questions to ask you.” Your obvious and sincere interest in their problem can actually be flattering to them because by asking detailed and good questions, you are demonstrating that you do care, and are not trying to simply get off the call or end the appointment.
- If the constituent is particularly aggressive (they’re a “Number Two”) you do have a few arrows in your quiver to shoot. While not exhaustive, here are a few that have worked for our office, in order from relatively non-controversial to well.....see below:
 - 1) Except in certain extraordinary circumstances, agencies work on the principle of first come, first served. In my estimation, that is fair, equitable, and reasonable. Further, it maintains the integrity of the process. The integrity collapses if politicians unfairly use their influence over the process.
 - 2) How would you feel if you discovered that even though you were next in line, some politician intervened for a friend, and their application was put in front of yours? So you’ve been waiting for three months, and the other person waited three days. Would you be upset?
 - 3) Congressman _____ himself does not believe it is fair if an individual receives some type of exception, favoritism, or benefit simply because he expressed interest.
 - 4) Ask the constituent if he really wants to live in what is essentially a third rate Banana Republic? A chief characteristic of a Banana Republic is the corrupt

politicians making all the decisions. Tell the constituent that they might want to read about these types of countries and how it has worked out for the people there. Ask the constituent if they'd like to live in an American version of Venezuela? Or ask them if they'd like to live in Putin's Russia, aka the biggest organized crime syndicate in world history masquerading as a country, where successful businessmen routinely have their assets seized, and then they're sent off for a 25 year vacation to Perm 38 near beautiful Lake Baikal in the Irkutsk Oblast.

As always, the Member driven office culture might dictate a default response of telling the constituent that it's horrible how they must wait their turn, they were obviously singled out by the hated bureaucrats, the IRS should not expect you pay your taxes, and you'll do everything possible to get their application to the top of the pile. If you do, word of advice, go back to grad school asap. Take the GMAT again. Whatever, but get out now!

We actually tell people that the Member believes it is inappropriate and unfair to ask for preferential treatment, unless there are very clear and compelling reasons for the extraordinary action. And clearly sometimes there are, like.....

Example

All you caseworkers out there should be glad you were not even born (not all of you) when in the mid to late 1980s the then Veteran's Administration (VA) decided to adopt a somewhat revolutionary payment system called Diagnostically Related Groups (DRGs). In practical (and for caseworkers catastrophically horrible) terms it meant that the 171 VA Hospitals after "warehousing" veterans for years, per the DRG concept (widely used today) started to summarily discharge veterans into the community. Ouch!*

*In sort of a smart way I guess, the VA made it national policy that no matter what, the discharge **would not be stopped**. No amount of calls, letters, visits (no e-mail then, can you imagine) Member involvement, nothing would stop a discharge order. Even the President could not stop a discharge. The policy actually made the caseworker's job easier because we could play that card – NO exceptions. Of course, after the family was done yelling for 27 minutes.*

The district then had two VA hospitals within it. Ugh. Double the pleasure! The one VA hospital had one of the 12 remaining WWI (100 yrs. old) veterans as an inpatient, and he had been there for many years. You know what's coming...drum roll...he was being discharged! Bada-bing, holy smokes, you gotta be kidding me, are you out of your mind? I just "wanna get away." Oh by the way, this was all

happening the week of Christmas. This is the proverbial “Perfect Storm.” I’d say another kind of ---- storm, but this a G rated Guide.

*Family contacts us, and I pull the short straw. Plus, they contacted the media. Now being the sharp cookie that I am, this had Member involved (could be an applicable example for Section Five as well) written all over it. After checking with my boss (more smart self-preservation thinking by me), he says that the Member needs to be read in (cool beans DC lingo). He is, and the next day the Member and I are headed to the VA hospital! After a lot of very “spirited” discussions, the VA said “no way Jose.” Ugh! **A 100 year old World War I veteran is being discharged at Christmas! Utter insanity.***

In this case, the mitigating circumstances were so extraordinary that the Member personally demanded that an exception to policy be made, and that a constituent be afforded something not available to other constituents. I would suggest that if the Member had not taken this action, he would be wrong, and not serving a constituent very well. This matter was escalated to the Administrator’s office, and the answer was no at every level.

Post-script – the veteran passed before he’s discharged. Also, there is a long above the fold story in the district’s major paper where the family bitterly complains about the Member’s inability to stop the discharge. I really could not blame them.

**DRGs – patient enters hospital, is assigned a DRG that establishes how much the hospital will be paid to care for the patient. Also known as capitated payments.*

If none of the four above work, well then you have a real piece of work in your office or on the phone.

Note: To be clear, there are totally appropriate instances where a caseworker should push for out of the normal process exceptions. Social Security Disability cases are a great example. These are expedited if the applicant can prove an imminent home foreclosure, or their condition is terminal. Push hard in these very sad situations. Pedal to the casework metal!

Note: Rumor has it that I’ve been known to say – “Sir, I can tell you the truth, or I can tell you what you want to hear. You pick. Frankly, I hope you pick the latter because this call is gonna be a lot more fun.”

- I want to be very clear that contacting an agency and (1) asking for a manager to personally review the file or decision, (2) asking for expeditious processing if appropriate and possible, (3) an appropriate decision pursuant to law and

regulation, and (4) expressing the Member's interest is the absolute bread and butter of casework. This is politically positive because even though the inquiry had no impact on the hopefully pro-constituent decision (as appropriate), you better believe the constituent now adores your boss.

Note: I was a caseworker working for my first MC. My boss (the District Administrative Assistant (AA) – now that dates me!) ran a typical case expressing interest in a Social Security Disability application at the state Disability Determination Service. The constituent was granted disability benefits, but sadly passed soon after receiving them. In the obituary, there were two paragraphs devoted to thanking the AA by name, and how if it was not for the Congressman's intervention, he would have been denied.

You might think this is contradictory. It is not because these are very vanilla, low intensity words commonly used in congressional requests to agencies (congressionals). Adding "must" creates the issues. There are indeed factors that will expedite cases. In Social Security Disability cases, proof of terminal illness or home foreclosure will get cases expedited. Indeed, we are very aggressive advocates in those situations.

- New caseworkers might struggle in determining when it is better to ask the constituent for something in writing; along with the relevant documents, PACF etc., and simply forward with our vanilla template letter, versus the more pro-active scenario of taking your case notes, documents, agency correspondence, sprinkle in the caseworker's knowledge and "write-up" the case. Asking for a letter (or e-mail) can be a very effective tool for caseworkers if used correctly.

In some cases, the constituent is so overwhelmed or incapable of writing a letter that good casework practice dictates doing the analysis, identification of issue, and writing the inquiry. An experienced and seasoned caseworker will immediately know what the core issue is, if the office can help, and if yes, where to go for the resolution or answer. A constituent letter might be long, rambling, and unclear about what they actually want. Also, the agency LL office just wants the facts, not the person's entire life story. Some offices might argue that the actual facts written into a Member signed letter is more powerful than simply forwarding the constituent's letter.

There are situations when it is clearly preferable to ask the constituent to write a letter addressed to the Member. As examples – if the issue is very very complicated and you're not comfortable trying to explain it; the constituent is rambling, repeating, going in circles, so you say "...sir, would you please put this in a letter to the Congressman." Also, if you sense the constituent is requesting untoward preferential treatment, assumes your boss can force an agency to do something, guarantee a grant, or the request just sounds sketchy, ask for a letter.

Make them put some “skin in the game.” Ask them to sign a PACF also. See how serious they truly are. Hopefully you never get the letter or signed PACF back.

- Good caseworkers know there **are times** when opening a case might not be the best course of action. There is a real problem, but there might be other ways of solving it. Ask if they filed an appeal? If you know the only avenue open to the constituent is to appeal the decision, strongly encourage them to file! Do not open a case that 30 days later comes back and tells the same exact thing. That would be casework mal-practice. To be clear, after the appeal is sent in, open a case expressing the Member’s interest.

Note: Another option to opening a case is printing out a *CRS Report* and sending it to the constituent. I use this as an *Example* providing more detail, but a local community wanted information on the procedures to close a post office. Instead of contacting the Postal Service (fox guarding the hen house?), I printed out the *CRS Report* on closing a US Post Office. Section Nine discusses CRS in detail.

Other examples -- Did you talk to your United States Postal Service (USPS) carrier about the dropped mail? Call the post-master? Did you create an account on the Social Security website so you can check your credited earnings? You know that form can be down-loaded. For Affordable Health Care Act (ACA) “marketplace” enrollment, the best advice is to explain that they must contact the local “Navigator” to enroll.

Note: A congressional office simply cannot enroll constituents in the ACA. Local organizations all across America went through a process to become an official “Navigator.” The correct (and only) action is to provide the name and number of the local Navigator, with the always SOP of telling the constituent to call back if there are any issues.

There can be a fine line between saying to the constituent that “...the Lord helps those who help themselves...,” and getting called into the DD’s office for some “re-training.” This is a conundrum for even seasoned caseworkers because humans are an unpredictable species. I generally believe just opening a case is the path of least resistance; is the safest, generates the most good-will, and puts everything in writing.

If a person is in your office, wrote a letter, or is on the phone, to a certain extent they have already self-selected as possibly someone who just needs a little extra help. There is absolutely nothing wrong with that, and of course it’s a great opportunity to create some goodwill (aka votes) for the boss.

Example

A huge inter-state (hence federal jurisdiction – darn!) pipeline was proposed, 36 miles of it crossing the district. We started to receive numerous inquiries about what average citizens could do to fight it and make their voices heard. I knew if we contacted the Federal Energy Regulatory Commission (FERC), we’d get some boiler-plate, and told to refer constituents to their “Guide to Citizen Involvement” that can be downloaded from the FERC website. Instead, from a variety of sources we put together the ‘Joe Pitts’ Guide to Citizen Involvement” that was very user friendly, provided a step by step process, and included supplemental information to make understanding the 11 step FERC process clear and provide a rationale for each step. It was naturally made very clear that our office should be considered a key resource. We viewed this as far better than some FERC boiler-plate. Love you FERC LL office! No offense. Seriously, they are great.

- The following advice might be more appropriate for experienced and senior caseworkers. This approach requires maximum CYA. All hands on deck. There are times where playing the role of “Dutch Uncle,” or being a “reality check” is the best casework possible. Again, be careful, and make sure this is allowed within your “office culture.” A couple owe the Internal Revenue Service (IRS) \$123,000.00 in back taxes, are going to make an Offer In Compromise (OIC) of \$23,500.00, have sizeable assets, and the ask is for the Member to “encourage” the IRS to approve the OIC. You might want to consider this alternative. Strongly suggest that the OIC most likely will not be approved (still file it of course), it could take some time to get an answer, and while waiting the debt inexorably grows and grows. Using the IRS like a bank is a **very bad idea**, due to interest, penalties, interest on penalties, and a compounding factor. That \$123,000 can quickly spin out of control, and impact the rest of your life. Tell the constituents in very unambiguous language that they need to find \$123,000 and pay off the IRS. Do anything you must, but pay the IRS. Again, just make sure you know what you’re talking about.

Tony Soprano and Pay Day lenders are very small potatoes compared to the IRS! Now the IRS knows how to generate some serious vig.

Example

A young Marine corporal contacts the office. He was just transferred to a new unit, is lonely, and is having trouble adjusting. On top of this, his mother is very ill, and a request for leave was just denied. He is thinking of going Absent With Out Leave (AWOL), but decided to see what his congressman can do first.

Get name, rank, military address, unit’s name, SSN, e-mail and cell phone number if possible. The next thing an experienced caseworker might do

is make it exceedingly clear that going AWOL is a VERY bad idea, and if he does, the congressman's ability to help is greatly compromised. Now let the Marine talk it out because he might just need a sympathetic ear, but listen carefully. Ask him if he's talked to a chaplain, his immediate supervisor, his Gunny Sgt., or another Marine of a similar rank. Ask him why the leave was denied. What did he focus on when you simply listened? Maybe it's really a girl-friend or money issue. Show real empathy and interest. Ask about his mom's illness and when he last saw her.

Gain his trust. If he has not done this, tell him to see a base chaplain asap, and stay in his chain of command as he's been trained to do. That might seem contradictory considering he's already contacted his congressman, but your job is to get his focus back on seeking counseling within the Marine Corps. Your Member might have a completely different philosophy, but stopping him from going AWOL, being a sympathetic listener, and encouraging working within the chain of command is the very best constituent service you can give him.

You are now most likely at the subjective judgment part of this case. Has your counseling helped him focus and no inquiry is needed, or is it best to contact the USMC congressional affairs office and request counseling and ask why his leave request was denied? Make sure he knows that you'll open a case right now if he wants. If not, but he contacts you a second time, then of course all hands on deck with a strong, unambiguous inquiry.

*Note --You must get a Privacy Act consent form (PACF) from the Marine directly and/or with help from his unit before contacting the relevant branch's congressional affairs office. Also, SOP in your office should be initiating an inquiry only after **communicating directly** with the service member, and not a parent, relative, or friend. This will preclude a great deal of trouble for you.*

Note: This type of approach certainly might be controversial, and has a much higher risk for the caseworker than just bingo – open a case. The DD should be brought into this discussion. It has been rightly pointed out that other offices might not “roll this way.” This is a great example of when the Member's philosophy comes into play. There is no one right way to handle this situation. This is simply another point of view. Remember, like the practice of medicine, casework is more art than science. Boy, if only caseworkers made what docs do!

I'm going to say this carefully, but the inescapable reality is that the U.S. military is fundamentally based on a chain of command structure, and for very good reasons, namely – life and death. Requesting a congressional is going outside the chain of command, plain and simple, ying and yang. This concept is pounded into recruits from day one of basic training.

In my judgment, it is feasible you are serving the Marine far better than willy nilly send in a congressional, get some 100% guaranteed boiler-plate BS, convey the response to the Marine, close the case, and go get lunch. Also, I did say a congressional is the best thing to do at times. I want to be very clear on that.

- Tip toeing gingerly through a minefield (appropriate considering subject matter).....I have been to numerous military service LL seminars over the years. Frankly, I've come away from some of them wondering if doing a congressional is a waste of time because the – insert branch – is always right, and the young *Tinker, Tailor, Soldier, Sailor*, airmen, or marine are always wrong. I've been simply amazed on several occasions when the briefing officer or civilian equivalent seemingly forgets who they're talking to, and openly shows disdain and contempt for the men and women who contact their Member.

Summary:

- 1) Make sure the touch is a constituent immediately, not after a 20 minute conversation.
- 2) The caseworker must control every aspect of the inter-action.
- 3) Carefully listen and then ask the questions that get you the information the LL office needs.
- 4) Explain to the constituent what happens next and why.
- 5) Keep their expectations low, do not over-promise, and be pragmatic; while never forgetting that you are their advocate. That is your job!
- 6) Recognize when to write up the case on their behalf versus requiring something in writing from them.
- 7) There might be alternatives (discussed later) to opening a case.

SECTION 2

COMMON CASE PROCESS AND PROCEDURE ISSUES

- The best and simplest definition of a case is when a federal agency is contacted in any manner. The contact is the key determinant. Answering a question or providing information does not constitute a case, recognizing that some might disagree. A more complicated phone inter-action, or when it might be wise to have some record of what you said can be handled (at least in our system) under the “Log-In Mail” function, with “close-no response.”
- When you are not sure if the constituent’s request crosses the line, ask yourself this question -- Am I asking the agency to do something that would not normally be done? Another form of this is – Does the request make my agency POC uncomfortable? If you’re still in doubt, you can (1) ask for the request in writing, and if the letter does not come in, nothing more needs done, (2) check Chapter 8 in the *Ethics Manual*, (3) call the Ethics Committee at 202 -225-7103, (4) call CRS, or (5) consult with your boss. If you’re really in a conundrum, err on the side of this is not right; however, it might be legitimate, so don’t slam the door completely shut. **Check before you take any action, not after.**
- At some point in your nascent career, a constituent will insist on talking to the Member personally about their problem. Similar to many topics discussed in this *Guide*, the Member’s philosophy plays a large role. If every ask to see the Member is virtually an automatic yes, you can stop reading. If your office SOP allows for some discretion, there are a few arrows you can shoot. Also, at first I’d discuss this ask with someone higher in the staff food chain. I will tell you that **CYA should be a very high priority for new caseworkers**, well really any staffer. Here are a few arrows to shoot:
 - 1) Simply say casework is a staff function.
 - 2) The Congressman’s primary job is being a legislator; therefore, he/she is unfamiliar with IRS rules, and how your situation is impacted by them. This of course works best if there is an experienced IRS caseworker on staff.
 - 3) In many instances where the constituent asks to see the Member, the unstated agenda is their belief that if only they can convince the Member that they’re disabled, or was not at fault in creating the SS over-payment, really was not Absent Without Leave (AWOL), should be judged 100% service connected disabled; then the Member will personally intervene. Simply say the Member does not make the decision, nor would he want to have that responsibility.

- 4) While the Banana Republic gambit is at times clever, never forget that your boss is viewed as powerful by the average person. Over the years I've noticed that often the constituent is noticeably skeptical when they're told the Congressman does not make the decision, nor have any ability to influence it.
- 5) If your office SOP allows you to be more frank, simply say that meeting with the boss is really unnecessary, because at the end of the meeting, he/she is simply going to tell staff to try to solve the problem.
- 6) Also, seeing the Member might require waiting for weeks, so your problem is unaddressed for weeks. Do you really want to wait that long?
- 7) The constituent can also be offered the opportunity to speak with the Director of Constituent Service or District Director. The perception of speaking to a manager or a staffer with more authority can ameliorate their demand. If after speaking to the DD and the request still stands, well then the gamble did not pay-off.

Note: I knew a Member who met with constituents frequently on casework matters. Really, the constituent just needed to ask. The constituent comes to the office, takes 45 minutes to explain their problem, and finally the Member turns to the caseworker staffing the meeting and says – “Mary, please get to work on this terrible situation.” The constituent is thrilled they got to speak to the actual Member, and of course, a huge amount of good-will was just created. (The constituent will remember the meeting **far more** than anything the Member ever does in DC.)

The other way of looking at this policy might be that it's not the best use of the Member's time, the constituent probably had to wait for the appointment, and for the caseworker it was a wasted 45 minutes, minus actually getting what they need to run the case. That assumes they had an opportunity to ask.

Example:

We were working on a very serious IRS situation for a constituent, and the individual became very frustrated because we were not moving fast enough, or obtaining the desired outcome. The constituent was adamant about getting an appointment with the boss. After reviewing the case, I determined there were valid reasons the caseworker had not yet been able to obtain a final resolution.

I asked the caseworker, using some verbiage I wrote, to again send an e-mail to the constituent, and explain why we legitimately needed more time, and there was

very little the congressman could tell him. That resulted in another, even stronger request. Ugh.....

At this point, it was obvious that I needed to get more involved. I sent a long, carefully worded e-mail to the head of our IRS TAO, and sent a cc to the constituent. I know the TAO boss, and from years of experience, she understands that I very rarely get involved in casework, but when I do there is some extraordinary reason. (There is a detailed discussion regarding caseworker credibility in the next Section.) Further, I assured the constituent that I would personally monitor the case. That combined with the e-mail to the IRS satisfied the constituent, and he agreed to work with me until resolution.

The key here was the e-mail cc to the constituent because he saw our professionalism and that we were legitimately trying to gain a favorable resolution. Even though the e-mail was sent to the IRS, it was written for the benefit of the constituent. I'm sure the IRS could care less what a great human being this gentleman is. It was detailed (we really do understand the issue), it made the point that this is a great non-profit organization run by dedicated volunteers (flattery), it re-stated why the delay had legitimate reasons (assuage his concern), and our ask was very clear; the Member would like the IRS to consider waiving some penalties if appropriate (confirms our advocacy role).

- Early in my own experience, I really struggled to find the right balance between honesty and candor versus a more “tell them what they want to hear” philosophy with constituents. As a new employee, you do not want to anger the constituent; however, telling constituents what they want to hear, and never a firm no, can lead to lots of future heartache. You can be put in an impossible situation if the office culture dictates that you must deliver the ask no matter what (you’d look good in orange, trust me), and you are almost never allowed to say no to a constituent or deliver bad news. Yep, should’ve listened to Dad and took the LSAT.

KEY ISSUE IN YOUR NASCENT CASEWORKER CAREER

As soon as possible, you (maybe the entire office) need to have a frank discussion with the District Director (DD) and/or the Casework Honcho regarding “office culture.” Do not allow yourself to be out there on “Uncertainty Island” regarding what you can and cannot say to a constituent. It is your right to know without any ambiguity. Be tactful, and respectful, but be clear. That was the single biggest issue I struggled with.

If the Member has a world view that the constituent is always right, can do

no wrong, and the agencies are always trying to screw them; that will have serious ramifications for your caseworker career. You must figure that out from day one. (I'd get some Xanax real quick too.) The Member of course has every right to believe that (yeah, he'll be in DC at some unbelievably over-priced restaurant complaining about his over-cooked \$54.00 ala carte Chilean Sea Bass), but your down-stream constituent inter-actions will be challenging to say the least. Remember, it might not be too late to get into that Master's program.

Just remember that you catch more flies with honey than vinegar; recognizing your office might force the use of the latter.

Your office's definition of casework "success" also plays a role in this. Is success only going from no to yes, or can simply lending a kind ear and a friendly voice, providing a clear explanation of what the agency did and why, a discussion of alternatives, and telling the constituent that you'll always be there for them no matter what, success as well? I say it is indeed.

If the office SOP is that staff never delivers bad news; that allows you just one main option - the agency delivers bad news. As noted elsewhere in the *Guide*, there are other organizations you can throw under the bus. When you follow the office SOP, and the case becomes a hot mess, document what you said, read in your boss, and have your boss approve your actions. If you must per SOP say to a constituent."oh Mrs. Smith, Congressman X is gonna get you disability so don't worry one little bit..." and two years later when the Appeals Council says no way, make sure you can prove your boss sanctioned what you did and said, because ol' Mrs. Smith is gonna be real unhappy. A word of advice, if you work in that type of office, I'd download that resume template app. immediately!

Note: It is important for a new caseworker to understand that in the large majority of cases, the answer from the agency will not be positive for the constituent. I guess in a manner that is a good thing (not for the constituent) because frequent changes in decisions would suggest an incompetent agency. We actually keep a file of agency finals when there was a clear "no to yes" resolution. As we discussed previously, at least the agency is delivering the bad news.

Note: While lengthy, the following four real life examples are designed to give you a variety of scenarios where that fine line between candor and honesty, and always hedging with constituents exists. Obviously, the hedging (or not) has definite political impacts.

Example

A constituent contacts the office and says they were not allowed to apply for Social Security (SS) disability benefits. As a newer caseworker, that sounds sort of strange. You naturally ask them why, and most likely they are not sure or they simply did not understand the explanation. Something about SGA, quarters of coverage, boy was I confused. If you had at least some basic training, you suspect the constituent does not meet the earnings test of 20 quarters of Substantial Gainful Activity (SGA) within the last 40. In other words, the constituent needs to (earned at least the SGA amount) have worked at least five out of the previous ten years. The rationale is SS Disability Insurance (SSDI) replaces earnings lost due to an inability to work; ergo, SS will not replace something you never had.

So, are you honest with the constituent that there's absolutely nothing the congressman can do because the rule is based on statute, or do you open a case knowing full well the answer? Do you deliver the bad news, or make the SSA? A new Member or one with a tough district might have a no-exception SOP that the agency always delivers bad news. In that case, the decision is beyond your control. As I note several times in the Guide, you will not be very popular with the SS LL staffers, and you will most likely become a candidate for the "Stupid Caseworker" list.

My advice would be to slowly and clearly explain to the constituent why they were not allowed to apply, the reasoning, and why nothing can be done on their behalf. Of course, as a good caseworker, you will then carefully review with the constituent all means tested federal benefits to determine eligibility. As noted elsewhere, your goal should always be to avoid the last word heard being "no."

Example

Almost all non-management United States Postal Service (USPS) employees are members of a certain craft (job classification) that is covered under a Collective Bargaining Agreement (CBA). The employee knows the CBA in force at this time covers virtually every aspect of his job, often in minute detail. He is having some type of issue at work that can be grieved via the CBA. Instead of accessing the CBA outlined procedure, he comes to his Member.

From experience, you can recite from memory what the USPS letter to your boss will say. In short, it will say, please advise your constituent to file a grievance via the CBA for that particular craft. Even if the constituent filed already, and wants a letter of support, these massive CBAs are very clear regarding any kind of outside influence. Also, there are several appeal levels.

So, the ol' conundrum rears its ugly head again. What to do? Open a case, tell the constituent its Morning in America, and your boss is gonna raise holy hell with the meanies at the USPS, he goes on his merry way one happy camper, you get the USPS final that says exactly what you knew it would, put a cover letter on it, put it in the mail, and presto a nice tight case closed, bada bing! No harm, no foul, let's get lunch.

Or.....do you get out your file with common case scenario (names removed of course) agency finals and show the upset USPS employee what the response is 100% guaranteed gonna say? So, you violate a cardinal rule of casework. The last thing the constituent heard was no, and potentially he does not have warm, fuzzy feelings about your boss. No, not the DD, the Big Boss silly, aka "El Hefe."

Here is what I'd suggest. Show him the letter, explain how the CBA really ties the hands of your boss, go over the philosophy and rationale behind no political influence, and explain the CBA would be pretty worthless if political influence was allowed. He wouldn't want that, right? If you placate him, chalk one up for the team. If not, just open a case for him. There is nothing to be gained now by digging in your heels.

Note: Not to state the obvious, but I am; your office culture might dictate that a case be opened automatically, and you have no choice. Frankly, there is certainly nothing wrong with that. It all goes back to that candor/brutal honesty vs. it is always better to open a case, and let the agency be the bad guy. There is no one right answer. If the district's PVI (do your homework?) is high, tell him the truth, file that grievance my friend, and you go get lunch. I talk about food a lot. Not sure why?

Example

An individual was running a huge mortgage fraud Ponzi scheme that very sadly had several hundred victims, and many were constituents. He would offer below market rate mortgages, tell the victims that he would deal with the mortgage companies and banks, and the monthly "mortgage" payments were to be sent to him. He tried to keep up on the payments, but as in all schemes of this type, it eventually collapsed, and the home-owners started receiving foreclosure notices. Towards the end, he was not making any payments, so in some instances very large amounts had not been credited towards the mortgages. Many families faced complete financial ruin.

Our office got inundated with contacts; however, I knew this was absolutely a legal and bankruptcy law driven process, handled by lawyers and the courts.

The casework shop did counsel many of the victims, contacted banks on their behalf, explained how federal bankruptcy laws work, invited in experts, helped to set-up meetings, and were always extremely compassionate in person or on the phone. Those were just about all the actions we could take on their behalf.

The constituents wanted to be made whole by the federal government, or the necessary legislation should be introduced. In my estimation, this was a situation where the constituents especially deserved the truth since they had been so victimized by lies.

It simply was not proper or ethical for the sake of political expediency to give them hope or lead them on that the Federal Government was going to be sending them checks. To make the situation even worse, there were really no legitimate referrals that got them real help.

In a huge public meeting, I explained all this. Big mistake. The leader of the group that was formed by the victims was very upset with my answers, and in front of hundreds of very angry (rightly so) constituents called me out as not caring, being grossly insensitive, and doing a poor job of representing the boss. The situation was exacerbated because some of the politicians there played the hedging card, never quite saying that there will be no tax-payer bailout. Of course, they were happy to allow me to absorb the arrows.

What do you think? Is it better to be wishy-washy, warm and fuzzy, quasi-positive, there just might be a program out there to help you, the boss is gonna move heaven and earth to get you some money, drive through emergency legislation to get you made whole, and never give up; or tell them the truth and suffer the consequences.

To end on a serious note, this is a good example of the office culture's impact on how staff do their jobs. In handling this matter, did I reflect the Member, and the culture he fosters?

Example

A particularly sensitive area of casework is dealing with veterans. Your boss will most likely be beaucoup mad if a veteran complains about bad service. Almost all caseworkers counsel veterans on filing for various benefits, how to appeal, and how the appeal's process operates. The DVA has studied why the adjudication process takes so long. One of the conclusions (that was quickly buried) is that the system is gummed up with (many times) long-shot original applications and especially appeals. There were a few other somewhat controversial findings, all of them buried deep in a VA vault.

So, the veteran contacts the office and wants to file for service connected compensation based on hearing loss. The veteran does indeed have hearing loss (he's 74), but cannot document seeking care while in the service, after discharged, and he was a clerk, never being in combat. You know the application most likely will not be approved, or in an appeal case, there is no new "material fact" for the rating board to consider. So, do you carefully explain what service connection means, that there is most likely no provable causal relationship and hearing loss at 74 is pretty darn common. If you do, he might associate being told no with your Member. Not good.

So, in essence, being candid and honest is problematic for your promotion to senior caseworker, and indeed you might personally learn how to apply for unemployment benefits. I'd still provide a truthful analysis, but encourage filing it, and offering to track it through the process as a pretty run of the mill case. Frankly, there is no purpose served in talking the veteran out of filing, especially since half of the local American Legion members get service connected compensation. Conclusion, candor is not always your friend, especially with a sensitive group of constituents. Your flexibility regarding candor is really set by the Member (and COS/DD) as reflected in that all important "office culture."

- The scope, breath, and involvement of the federal government in the life of the nation are undisputed. The government at all levels is inescapably involved in your life whether you want it to be or not (**I vote not**). This often times means federal funds, rules, and regulations permeate into state and local government. For example, the Pennsylvania state budget passed by the General Assembly is approximately \$30 billion, yet the total budget with the state administered federal funds is \$72 billion. Based on that simple fact, it would be easy to argue that a congressional casework operation could justifiably do numerous state and local issues like transportation, Medicaid, human services, and public education as just some examples. In short, it is easy to justify (funds and regulations) doing a great deal of "state" casework, or not doing it at all because state agencies determine eligibility, and actually administer the programs. A Member in a very competitive district might use the funding angle to justify a wider range of issues handled.
- Having a clear and consistent definition of what a case is helps the staff who supervise the constituent service operation have a standard bench-mark when looking at work-load levels, average days open, and over-due cases. If the office has no clear definition, this can make performance statistics useless. A standard definition is crucially important if evaluations, promotions, bonuses, and raises are somewhat based on the number of cases closed for a particular period of time.
- One large advantage of traditional casework processing is allowing the Member to get several pieces of letter-head stationary into a household. Depending on the

casework system you use, a standard case can get a minimum of two letters into a house-hold, and often more. The minimum would be informing the constituent that a case was opened, and the “final” attached to the agency response. If you need to do a 30 day (or less) interim, then at least three letters. A “final” can obviously be sent with a printed out agency e-mail.

Note: I understand that with the widespread use of e-mail in casework, that “traditional” practice might have far less importance in many operations.

- All cases in the system you use should be formatted in a manner so that anyone else in the office could log-on, bring the case up, and completely understand what actions were taken and why. If you use unusual abbreviations, or personal short-cuts, it will be difficult to understand what has been done.
- The Privacy Act Consent Form (PACF) is another tool in your toolbox to get a sense of how serious a constituent is regarding their problem. So, are they blowing off steam, venting, expressing frustration with life, and just need someone to listen, or do they actually want the Member to do something? Tell them about the PACF and be clear they must sign one, or there’s nothing you can do.
- In as many touches as possible, always try to have an alternative and feasible course of action for the constituent. This is not always possible of course. Do not make a referral just to end the touch knowing it’s a waste of time. For example, don’t refer to another politician (state senator, state representative, county commissioner) knowing there’s nothing they can do.

Summary:

- 1) If you are not comfortable with the ask, you have several really good options to get advice, and guidance.
- 2) Caseworkers deserve from day one to understand the office culture in relation to honesty and candor versus a SOP where the Member never wants words like - “can’t, no, impossible, won’t” coming out of a staffer’s mouth. In my view, this is possibly the most difficult and complex dynamic a new (and indeed veteran) caseworker struggles with. I know I did.
- 3) Some Members might want to take a more expansive and inclusive view of casework; and therefore, for various reasons will do casework where state and/or county agencies actually run the programs. The Member justification can be based on the simple fact that federal funds, rules, and regulations are involved.

SECTION 3

DEALING WITH LEGISLATIVE LIAISON OFFICES

Words of Wisdom:

The Legislative Liaison (LL) staffers will make you, break you, determine your success or failure, and make your life pleasant, or not so much.

Good caseworkers know where to get the answers as much as they know the answers.

- It makes sense in heavy volume subjects (IRS, SSA, VA, Medicare) to have a fairly deep knowledge for obvious reasons. In many casework situations just knowing where to get the answer or resolve the problem is most important. There is a fine line, and you must early on know where that line is. You could spend thousands of hours, and never learn everything you need to know. Just know who does! You could waste countless hours getting into the weeds on federal whistleblower rules, and in a 30 year career never be asked once.

Note: This example comes from the political side of the house but makes for a great explanation of the above point. Federal campaign and fund-raising laws are wildly complicated. Trust me on that, sheer insanity. Plus, these situations almost always impact the Member directly, there is almost a zero-mistake aspect, and political opponents can take a very minor mistake and turn it into something much larger. For example -- “Congressman _____ broke federal campaign law, he should go to jail!” Yeah, sure, he listed the wrong occupation for a contributor, or he was incorrectly identified on a fund-raiser invitation.

The subject matter is incredibly boring as well. Sort of like the *House Ethics Manual*.

For me, it is just simpler, safer (CYA), and time saving that when I have a federal campaign or fund-raising question, I simply contact the General Counsel’s office at one of the political support organizations. On my private cell or e-mail account of course! I would not do well in jail.

- It is absolutely imperative that you maintain a credible, friendly, cordial, and professional relationship with all agency congressional affairs’ staffers. While most agencies are happy to help a new caseworker learn the ropes, once you are up to speed do not call your congressional affairs contacts unless it is absolutely necessary to fulfill the ask. Unless the Member or senior staff directs otherwise, do not bother them with ridiculous requests, asks you know are impossible to

comply with, and constituent questions and requests for information you can get elsewhere (the Web, CRS, senior caseworkers in your office). If you call incessantly, and for every little ask, you're wasting their time. Plus, you'll be put on the infamous "Stupid Caseworker" list.

Example

A constituent was approved for SS Disability Benefits, but much to their dismay learned there is a mandatory five month waiting period, and a 24 month waiting time before becoming Medicare eligible. The person is very angry, called their Member of Congress, and you got the short straw. So, do you suck it up and tell them the truth that there is absolutely nothing the Congressman can do to help them, or send an inquiry to the SSA, even though you know the answer? As in many instances, you have choices, recognizing in some offices the choices might be more limited.

If you must get all negative answers from the agency, the LL staff will understand, especially if you have a very positive relationship. LL staff understand their part in the great kabuki dance known as casework. Also, you can ask the Congressional Research Service (CRS) for a written explanation of the logic and reasoning behind these two waiting periods. That would take the heat off your boss. CRS is discussed in detail in Section Nine.

At some point a more savvy constituent might say ... "well can't the Congressman get that changed?" The answer is of course – maybe, via legislation; but it is a long shot at best. Only be reactive when forced to, don't be pro-active in offering the possibility of legislation.

Note: This is not quite an *example*, but is still a good scenario for trying to judge what should and should not be considered a case. If you do casework long enough, you're going to get a contact where the issue is the time of day a residence receives their mail. Obviously, someone has to be at the start of the route, and someone at the end. This is surprisingly important to many folks, especially seniors. The United States Postal Service (USPS) periodically does "Route Inspections" that almost always makes significant changes to the order in which mail is delivered. The new route takes effect, and bingo, instead of getting their mail at 9:30 a.m., now it is received at 4:45 p.m. They call their Member. Do you write this up as a case, knowing exactly what the answer is going to say; or do you very professionally and with tact explain why the change occurred? Again, some home is first to receive their mail, and some home is last. It is unavoidable. Do you make the USPS respond, or save your inquiries for situations that are more legitimate and when you can possibly impact the situation in a way that benefits the constituent?

Again, your response is based on a variety of factors, most of which you might not control. We would not open a case in this scenario, with the caveat there are always exceptions.

Note: If you already have an agency final dealing with a common casework issue, create a file of those, and simply send a copy of the previous response after blacking out the personal information of course. The main word of caution is to **be absolutely certain you are comparing oranges to oranges**. You have the best of both worlds; you did not bother your LL POC, and your boss was not delivering the bad news.

Note: To be honest, I've struggled with how to express the following idea, because I'm a firm believer that the constituent absolutely deserves the office's very best effort, and within reason, should always be trying to "get to yes." So, here goes.....there are times when you might want to carefully consider how "hard you want to charge" at the agency LL shop. There are a myriad of reasons for this, but certainly a prominent one has an analogy in the saying --- "Don't be like the boy who cried wolf." In other words, if every case is a crisis, or you MUST do something for this person, or my boss wants this fixed or else, or in general you are "hard charging" all the time; then it is possible when you have a scenario where you really need to be "charging hard and bring in the flame-throwers," the LL folks might be somewhat incredulous. "There he goes again."

I want to be clear, you still open a case. You may have a situation where a businessman has a long history of not filing his IRS 941 taxes. This is employee tax with-holding, and the IRS views not remitting the funds as theft (fiduciary responsibility attaches to the employer). The IRS might not admit this, but in my estimation this is the tax they pursue the most aggressively; remember, sort of "soft" stealing. So the IRS charges a business taxpayer with interests and penalties, the principal has not been paid either, and this person has a long history and non-payment; therefore, the IRS skips over "Notice" status and goes right to the real fun stuff – levies and liens. So now the constituent has their bank accounts frozen via levy, and wants your boss to cajole the IRS into releasing the levy. So, the proverbial caseworker conundrum, pedal to the metal because the frozen account means his employees don't get paid tomorrow, or -- "hey buddy, you made your bed, now sleep in it."

At this point you're thinking – "darn, should have accepted the bank manager trainee offer!"

So... what is the answer, and what are the ramifications of your actions?
This is homework. Sorry, no advice this time.

- Always be prepared for the call to the liaison with all necessary specifics readily available. The same thing applies to a letter. It should include all the pertinent information, be one page or less in length, and **very clear** what the “ask” is. To be more specific, a good caseworker will know exactly what the liaison needs to get working on the problem. Another technique is role reversal where you put yourself in the liaison’s position, and consider what they will be asking you so you have the answers. They’re probably over-whelmed with work, and their time is important. Finally, like in any business, if you are knowledgeable, articulate, and to the point, you will gain their respect.

Note: There are times after developing a close working relationship that you can ask the LL staffer to be conferenced in with the constituent, or put them on speaker phone. Also, there might be times when your LL contact tells you to have the constituent contact them directly.

Example

You receive a touch from a constituent who is going through the military recruitment process and they are medically disqualified. The local recruiter can request a waiver, but it’s a lot of work for them and they are not often granted. Further, the recruiter decides, and there is no appeal process if he/she refuses to put a waiver package together. In this particular situation, you should know before calling the liaison if a waiver was requested since this is the key issue. Further, a good caseworker will find out what the medical reason for the disqualification was, and know whether or not it can be waived.

Drum roll.....this scenario is another great example of that candor/always hedging conundrum caseworkers are constantly faced with.

- In our office about 80% of all cases are generated by six issue areas – Immigration/Visa, Department of Veteran’s Affairs (VA), Internal Revenue Service (IRS), Social Security (SS), Medicare, and the Department of Defense (DOD). Learning some basic jargon used by the predominant agencies your office deals with will pay off over time. Use that jargon whenever possible in all your communications.

It makes a great deal of sense that the casework shop have considerably more knowledge about (your list might be different) these subjects than say how the new “Waters of the US” regulations impact storm water culverts older than ten years old.

I’ve provided a few examples of typical (highly subjective of course) details that you should reasonably be expected to know within your first year. The more you

know leads to better questions leads to happy LL staffers, and that leads to more effective constituent service.

Examples

Immigration: know what an I-130 is, how the country quota system works, what the Visa Bulletin does, the difference between an immigrant and non-immigrant visa. Know the role of consular officers in our embassies around the world. Under the 1996 Immigration Control Act (last major immigration reform), the law requires consular officers to assume the visa applicant is **lying** regarding their intention to return to their native country.

Department of Veteran's Affairs (VA): know what a rating board does, the difference between pension and compensation benefits, know what the Board of Veteran's Appeals is, how to apply for Aid and Attendance. Know what Cat 8 means, where are the closest VA Community- Based Outpatient Clinic (CBOC) and VA Medical Centers are, and visit them ASAP.

IRS: know that a 1023 is the application for non-profit status, a 1040X is an amended return, offset means to seize or take; and that a 504 letter is the last warning before the IRS will use liens, levies, and other unpleasant methods. Know what a transcript is, and when you have no idea what to do with an IRS case, ask the IRS for the transcripts of the years in question. Know that 941 payroll withholding taxes are very aggressively pursued because the employer has a fiduciary responsibility. The IRS has special requirements for their PACF, and prefer casework shops use IRS Form 8821. We use a hybrid, incorporating their requirements into our IRS PACF. It is unique from the normal PACF we use for all other agencies.

Know that TAO means Taxpayer Advocate Office and not a very high-end restaurant/club in the Venetian Casino in Vegas. \$160 for a 16 oz. Kobe steak, and a la carte to boot! Of course, Johnny Manziel parties there. Not that I've been to Vegas baby! Love that buffet at the Bellagio! Booyah.

SS: know that DIB is jargon for Disability Insurance Benefits, SSI is Supplemental Security Income; a CDR is a Continuing Disability Review; how Reconsideration compares to a Waiver request. Know the functions of the Regional Payment Centers. How many appeal steps in Disability cases? What are they?

Medicare: know there are four different parts of Medicare, denoted A, B, C, D. Understand what each letter means. Know the difference between Medicare and Medicaid. Understand that Medicare nursing home care coverage is for relatively short periods of time, and only if strict eligibility guidelines are met. Know what the Part D "Donut Hole" is, and that claims are processed by huge insurance

companies who bid for the job and not by the Center for Medicare and Medicaid Services (CMS).

***DOD:** know what a Health and Welfare Report is, how to request a military band, ranks, rank structure, what PCOS means (Permanent Change of Station), know the DOD (each branch) does investigate and respond to child support cases with usually fairly complete and helpful responses. Also, what the following forms are for -- DD 214, DD 149, DD 293; re-enlistment codes.*

You have a huge and sophisticated resource system available to you. All you need to do is learn how to tap into it. There is a discussion of caseworker resources in a later Section.

Example

When the Patient Protection and Affordable Healthcare Act (PPACA) became law, needless to say it was mind numbingly complicated, and at the beginning generated a fair number of cases. Thankfully the Health and Human Services (HHS) Regional Office detailed one person to be the congressional POC for all PPACA cases. That was far more cost effective and reasonable than caseworkers becoming PPACA experts. You could study for 100 hours, know everything, but in a 20 year career, never once use the information.

- The best approach to use is one of a cooperative partnership (a team) to resolve the citizen's problem or issue. You both share one simple goal ideally – to solve the problem for their beneficiary and your Member's constituent. Keep in mind that you're not just making this stuff up so you have something to do.
- There may be times where you can contact the regional payment center and get helpful information, or assist in moving a file along in a way that the local office cannot. Our local SS office actually refers people to us in difficult situations. In this instance, the local office views you as a resource and ally, and not just another box they must check. Obviously, this helps develop, nurture, and sustain the – “we're a team” – mentality.
- If your Member, as I've discussed previously, has a tough district politically, he/she might adopt a policy of staff (as the Member's rep.) never delivering bad news to a constituent. Bad news can only be delivered on agency letter-head, agency employee direct call to constituent, or forwarding an agency e-mail. This creates lots of issues. When taking this course of action, you might want to **give the agency a heads up**. A busy over-burdened congressional affairs office will most likely be unhappy that they must do a written response for every little thing. A compromise could be only negative news requiring a written answer.

- Also remember that the federal rule or regulation creating their problem was based on a law passed by the body your boss sits in. In other words, regulations follow the law, at least in theory. Staffers are fortunate that very few constituents make that connection.
- How do you handle a situation where you believe the agency is mistaken? First, be very sure you are correct, and have something in writing to substantiate your position if feasible. Remember the fine folks at CRS, they can actually help you in this situation. After you have the data, very tactfully go back to the LL staffer, and present your evidence. If that person continues to be uncooperative or digs in their heels, then you have no choice but to escalate. Take the same documentation to the LL staffer's boss, and calmly present your case. Even though it's probably not warranted, heap praise on the agency staffer and convey how they are always very helpful. Remember, you'll be working with them again, maybe the same day.

Example

A father filed a 1040 claiming a child and earned income tax credit. One of the children was a step-child living with him because the mother was a drug addict. The mother nevertheless claimed the child as a dependent on her 1040. After providing a copious amount of documentation that he was indeed the primary care-giver, the Taxpayer Advocate Office's (IRS LL office) caseworker still refused to give him the two credits. In this particular case there was no choice but to escalate to the supervisor in the TAO. The supervisor personally reviewed the case, agreed the TAO employee was incorrect, and made the necessary changes on IDRS.

Example

A large energy company applied to put a major new inter-state pipeline across the district. In this situation, the Federal Energy Regulatory Commission (FERC) has regulatory and approval jurisdiction. FERC held the required public meeting during the "Pre-Application" part of the process. The company subsequently filed the application, initiating the "Application Approval" (or disapproval) phase. The law and FERC regulations mandate that another public meeting must now be held; however, FERC was adamant that no meeting was necessary. I had assured many constituents that they would have another opportunity to tell FERC their opinions, so there was some consternation on my part.

The FERC's own "Guide for the Public" on their home-page clearly states a second meeting is required. I pointed that out to FERC, and that the matter was made clear.

- It can be helpful for various reasons to sparingly use agency jargon to increase credibility, and demonstrate you are a more experienced and savvy caseworker. Another benefit is helping to build a rapport and demonstrating that you are a serious person. Just use this in moderation, you don't want to come across as a jerk.

Example

You are talking to one of your contacts at the IRS, and you say "...can you please check IDRS to confirm the 1040 refund offset was credited to the taxpayer's IMF." Translation – can you please check the Integrated Data Retrieval System to see if a taxpayer's seized by the IRS 1040 refund was credited on their Individual Master File (IMF)?

Example

The IRS again. "Mary, did Joe Taxpayer go into 22 Status yet?" Translation – Did Mr. Taxpayer for non-payment of a tax liability transition out of notice status (Letters 501 to 504) and into the Automated Collection System (ACS)? ACS does all the truly fun things like liens, levies on checking accounts, accounts receivable, payroll accounts etc. Trust me, if you causally work "22 Status" into a conversation, which will definitely get their attention. The first question will be – "Did you work for the IRS?" Of course, you immediately say that yes, I was a Senior Executive Service (SES) Level IV at the Ogden Service Center in Utah.

Note -- the third and final (before federal tax court) administrative level in IRS Collections is the "Field" or "Field Office." Very few cases get sent to the "Field" where a real live Revenue Officer (RO) will be paying you a visit in the near future. If a constituent's case is at this level...you need to punt, run, get outta town. Only the really naughty taxpayers get to the third level, so if the constituent causally says something about an in-person meeting with an IRS employee... Achtung! Eintritt verboten.

- If an agency you contact often has a field office in your district, or even one outside of it, but nearby, it is a good idea to have lunch with the management team once a year. Pick up the bill* and pay with personal funds (remembering the money is really OPM) because the agency staff will be very appreciative. You can be a little naughty occasionally. Go for it! I mean, Chairman Dent is a reasonable guy. I'm thinking he'll reduce the punishment from three years in jail to just two!

*buying lunch will also be your little "micro-aggression" against the utter abandonment of common sense, sense of proportion, and a system that specifies only eating finger foods at high-boys, and no sitting down! Come on!

- When an agency has an in-person congressional affairs seminar, a conference call, or any outreach when they know who will be participating, it is imperative that at least one caseworker attend, or participate. **Even if you have a seasoned caseworker staff, never miss an opportunity to spend time with the agency employees you deal with.** I can assure you it means a lot to them that you took the time and made the effort. You might come back with a better understanding of how they can help you and your constituent. Also, some are a blast! I've been to several three day Navy caseworker seminars at the Norfolk Naval base where we did some seriously fun things. The USAF back in the day flew caseworkers on military jets to the Military Personnel Command (MPC) at Randolph AFB for five days of partying! Whoa! No more though – darn sequester!

Other agencies do something similar – State, USCIS, military of course. The biggest issue is making sure the DC office forwards the invitations. You know, they're too busy running the world to be bothered with something so utterly pedestrian.

- Have your Member call or write a brief note to the legislative affairs caseworker's boss, and express how grateful he/she is for all their hard work. The Member could for instance talk about how the agency caseworker makes him look good to his constituents.

Summary:

- 1) Always be credible, friendly and professional with congressional affairs staff.
- 2) Whether phone, e-mail, or letter, always be clear, concise, include all necessary information, and be crystal clear on the "ask."
- 3) Respond with a yes to all agency outreach efforts.
- 4) Depending on your office culture, do not bother LL staff with superfluous, nonsensical, easily answered, and in general silly requests. Don't get on their "Stupid Caseworker" list. If your boss has a policy that bad news can never be conveyed by staff, make sure your LL POCs know this.
- 5) As noted at the top of Section One, good caseworkers ask good questions, and good information equals happy LL staff.

SECTION 4

WHERE SHOULD THE CASE BE SENT?

At first as a new caseworker, it is probably best to send cases to the agency's main DC LL office. After you gain more experience, you'll discover that other options exist.

- Now you must determine where to send the congressional inquiry. This can be complicated and certainly confusing for a new caseworker. We still ask each other for help on this, or if a colleague recently had luck at a certain level. At times, the lower you start in an agency bureaucracy the better for speed, candor, and a non-boiler-plate answer. Many agencies do have state and regional offices that can be very helpful, and at times can provide faster and better answers. I discuss this in more in another Section, but even if an LL office is not listed, it is always acceptable to send the inquiry to the Regional Administrator. Also, there will be a designated LL POC in the regional office if it's not the Regional Administrator. The essential point here is that getting as close as possible to the decision maker, the quicker the answer = a happy constituent.

Example

You get a touch regarding a United States Department of Agriculture (USDA) Rural Development (RD) loan (for a home) application. Most commonly, the ask is going to be about process, meaning the caseworker should know how the RD loan system works. If the ask is about a loan application early in the process, the RD State Office (find in the Regional Yellow Book) is clearly the place to begin. When the issue is why Rural Development has no appropriated lending authority remaining for the current Fiscal Year (FY), it might be best to contact the main congressional affairs office in D.C. If the issue is actual loan processing post approval, then you should contact the Rural Development office in Indianapolis. Again, you can always start with the main legislative affairs office in D.C., but knowing the RD loan process allows you to better serve the Member's constituents.

Example

Several important businesses were all having a similar issue. Due to the unique nature of the business, it was imperative that I speak to the relevant regional office familiar with the industry in question. The Federal Regional Yellow Book told me the Congressional Affairs shop with jurisdiction was in another state. I took a chance and called the regional head of the agency involved. He took my

call, and knew the answer because of his familiarity with the industry. I took my phone notes, wrote a detailed e-mail to the constituent, and everyone was happy. No LL involvement at all, ergo a quick and uncomplicated resolution. Lesson – never hurts to try.

- **CRS publishes an excellent, very comprehensive, frequently updated directory of LL contacts that will get new caseworkers pointed in the right direction.** You might have no choice if your casework honcho (stupidly) requires always going to the DC LL. I'm simply noting that there are many advantages to using regional offices. You can obtain answers at the regional level from non-LL personnel; however, it is on a case by case basis, and follows no set pattern. Can't hurt to try. Over the years, we've had great success at the Regional Office level. Or a state office if it exists.

Note: Larger policy issues that have a casework connection; for instance when Rural Development runs out of loan authorization authority in a particular quarter, are in most instances best handled by the DC LL operation. Of course, with DOD (military) casework, there's only one game in town. For a generic or non-specific constituent inquiry, but rather agency policy more broadly interpreted, it is better to send the inquiry to D.C. To be clear, going to the main DC LL is best at times.

- The *Federal (and Regional) Yellow Books* (see "Caseworker Resources") are also an outstanding office asset, and are discussed in more detail in later.
- As noted before, sending all inquiries to the agency's main D.C. legislative affairs office works as well, and is the "safe," no risk (CYA) decision because they must do the research. In fact, to simplify the process, or if the casework shop is inexperienced, the best policy might be that everything goes to D.C. You can never really make a mistake sending the case to D.C. The main disadvantage is getting the answer much slower because they must penetrate their bureaucracy to obtain the necessary information to prepare the response, the staff are more likely to be over-whelmed with cases, and far more bureaucrats need to sign off on the response. As you gain more experience, you develop a "sense" or "instinct" where to send the case for the best result.

Example

*The United States Postal Service (USPS) decided to start the process to shutter a beloved and busy (don't ask) post office in a very vibrant downtown shopping and restaurant area. The local Chamber, Main Street organization, Downtown Investment District (DID), and town council were all **very** upset. As is USPS SOP, our office was contacted regarding the closing; however, rumors started flying hot and heavy in the town because the employees in the post office were telling people of the closure. As you can imagine, the touches started pouring*

into the office. By the end, we received some type of touch from (including 1,150 letters) one out of five residents. Trust me, that will get your attention.

Since we were officially told of the closing, when constituents called, we said yes, the downtown post office is being shut down. Bad idea, as I should've listened to my own advice and hedged! We also should've emphasized a process to close it was being initiated. So now the town's people start reporting that the Congressman is announcing and confirming the closure. In essence, we now "own" the closure. We should have been much more hesitant to associate the very bad news with the boss. This was a rookie mistake, and sadly, the boss made me fire the caseworker who made said mistake; five children or not! To paraphrase "El Hefe," – "Heads will roll!"

The obvious implication was that my boss had to stop the closure, plus remember the staggering number of contacts. We used every trick in the book, begged, cajoled, and used the "nuclear option" to stop the closure, and ultimately were successful. The key was to identify (within the process) who would be making the final decision; so all of our efforts focused on that individual.

Another great point to make using this case is to demonstrate how incredibly helpful CRS can be. They have a detailed Report dealing with the process of closing a post office. The author of the Report was also great to deal with. A big part of our ultimate success was that I became an expert on the incredibly complex process of closing a post office, and we used that complexity to our advantage. To be fair, the USPS numbers used to justify the closure made absolutely no sense.

In this case, USPS LL in DC was never contacted. I would assert that going through USPS LL in DC would have been a huge mistake. All of our agency contact was with local and regional USPS employees

Summary:

- 1) Directing all cases to the DC LL office is never wrong, might be office SOP, and is probably best for new caseworkers.
- 2) There are options other than the DC LL main office. Generally, more seasoned caseworkers will be able to utilize a wide variety of entry points into the massive federal bureaucracy. In many cases, you will get you faster, better, and more direct answers using non-DC LL offices.
- 3) The *Federal Regional Yellow Book* can open up a whole new world of LL POCs for you.

SECTION 5

THE “NUCLEAR OPTION” – GETTING THE MEMBER INVOLVED

- This is highly subjective, but there should be clear, compelling, and unique aspects of the case when the Member gets involved – 1,150 letters about a post office for example. Whatever the issue is, the District Director and/or senior casework staffer should carefully make this determination. Some offices might prefer an established protocol for when and how the Member gets involved. Our office has found that these cases are so unique that a more open-ended policy is best. We have a pretty high bar for Member involvement, but this is naturally up to your boss.

Example

An important and large aerospace company in the district had been given a confirmed slot on a space shuttle mission to do an experiment that required zero gravity. About one week prior to the launch, their experiment was scratched. My boss called the NASA administrator and they had a long and pleasant conversation, but the decision was not changed. The NASA administrator did guarantee a slot on the next mission, and came through with the promised slot. The company was satisfied with the resolution.

This should be used sparingly, and only when absolutely necessary. That said, you might work for a Member who has a low bar for personal intervention. That can be a positive or a negative depending on how the casework staff handles the Member’s involvement.

- **If you decide to go “nuclear,” it is extraordinarily important that you tell the agency congressional affairs staff you normally deal with.** Make sure you tell them the call has nothing to do with them, and that your boss truly appreciates everything they do for his/her constituents. If possible, you should explain why you are doing this. Do not allow the nuclear “fall-out” to destroy relationships built over many years.

Note: an intermediate tactic is having the Chief of Staff (COS) call; however, it should not be viewed as incremental escalation. It’s the COS or the Member, one call.

- Providing the basic case information applies in those scenarios when a staffer is calling to set up a meeting or schedule a call time on behalf of the Member. The

simple fact of asking for the meeting or call often gets action, making the Member involvement superfluous.

- The Member's engagement is normally a phone call to a very senior official within the relevant government entity. Face to face meetings are an option, but I've found a call is normally sufficient. Also, I believe calling the head of the agency/department (Secretary, Administrator, Commissioner) is more effective than the head of legislative liaison.
- If the Member is calling, he should have several talking points and makes clear what the "ask" is. The first talking point must be praise for the agency caseworkers and that the call is not about them. Your boss needs to make that very clear. At the end of the call there should be no ambiguity regarding what your boss expects of the agency. Please note that the normal casework rules* are still in force. I'd suggest reviewing them with the boss since most likely he does this infrequently. The rules include – **no absolutes like you "must" do this, request for special or inappropriate favoritism, demand a guaranteed outcome, no threats that I will cut your budget or get you fired, or anything a prudent person would judge as out of the ordinary.**
- If possible and feasible, a staffer should listen in and take notes. Your boss should make it clear at the beginning of the call that a staffer has joined in to answer any detailed questions. If the Member brings you into the conversation to provide case details, that is fine.
- If the call was not pre-scheduled, and the official being called is not available, it is imperative the Member (or a staffer now jumps in) gives the basic case information. Again, the importance is because I have found that the Member just placing the call is often enough to get immediate high level escalation and resolution.

Example

A single mom with four children was hit by the IRS with a large Trust Fund Recovery Action (formerly called a 100% penalty assessment) over un-remitted 941 (payroll taxes with-held) receipts when she was the book-keeper for a small business. She knew it was wrong, but her boss made it very clear non-compliance with his directions would result in being fired. The IRS knew where her (now former) boss was, but it was simply easier to go after her. The Member placed a call to the IRS Commissioner, but did not connect. Within 30 minutes I received a call from a Deputy Commissioner telling me her file was closed as non-collectable.

*The Office of General Counsel web-site has a superlative casework section.

Example

A U. S. citizen was living in the Philippines with his wife. He had advanced cancer and needed to return to the U.S. for emergency treatment. His wife was repeatedly denied a visitor visa to come to the U.S. to be with her husband. The couple had been living in the Philippines for many years, but the wife never applied for permanent residency because she never planned to accompany her husband to the U.S. She applied for humanitarian parole, but the decision was repeatedly delayed due to the United States Citizen and Immigration Service (USCIS) asking for more and more information. To the caseworker, it certainly appeared that USCIS simply did not care. The head of casework took the situation to the boss, and it was mutually decided that a Member call to the USCIS Director was necessary. After the scheduler initiated the process of setting up the call, the USCIS approved the humanitarian parole. The Member call never occurred.

Summary:

- 1) Warn and explain why the Member got involved to your agency contacts. This is extremely important. Do not surprise them. Remember, this is not about them. This should occur prior to the call.
- 2) Do NOT throw the agency liaisons under the bus. The Member should clearly praise them. This must happen.
- 3) Use sparingly, and only for truly unique or extraordinary cases.
- 4) Member should have brief talking points, and clearly understand what the ask is. A staffer should be on the call, but only talk if the Member directs it. The agency official should be told a staffer is on the call.
- 5) The agency just knowing that a Member called, or will be, is often enough to get escalation and action.

SECTION 6

CONSTITUENTS vs. CONSTITUENTS

There are a number of perils and pitfalls that apply to Constituent vs. a Constituent Firm, or Constituent Person vs. Constituent Person.

- This is one of the most difficult casework scenarios.
- In these cases it is especially common that you are not getting the whole story or the complete truth. Be cautious!
- It should be SOP to involve the DD and for him to be pro-actively involved in how the case is handled. A senior caseworker should run the case as well. You go down, so does the DD!
- There should be a legitimate and clear connection to federal rules and regulations for your office to get involved.

Private Constituent vs. Institutional Constituent (hospital, business, non-profit)

- In this scenario, you must be alert to the possibility that Constituent A is using your boss (and the perceived power) due to “sour grapes.” In other words, you are being manipulated. For example, the ask might be to express the Member’s interest in a DOL Wage and Hour or OSHA case, or to even request they open one. So now you have a classic “Catch-22” scenario. You want to open a case and pursue what might be a legitimate violation (and if you refuse it generates a letter to the editor suggesting your boss doesn’t care about the little guy), but not antagonize an important institutional constituent providing jobs in the district. The entity will be somewhat legitimately upset (maybe ballistic) if they believe your boss got them investigated by the “Feds” and that led to negative publicity, costs, fines, or worse.
- The individual constituent expects that you keep everything in confidence, as of course you will. The last thing you want to do is get the constituent in trouble at work; however, in some situations you simply must contact their employer to attempt to get a resolution. Be clear about that from the very beginning. It’s certainly possible the constituent never considered that, and when faced with that reality, wants nothing done. If the constituent does not care, and wants you to move forward, the path forward can still be somewhat unclear.

Example:

We were contacted by a constituent who frequently used Toluene at work, a very nasty chemical that puts off dangerous vapors if not handled properly. The allegation was made that the employer did not provide the necessary employee protections, ignored the requirement to have safe handling charts and explanations in public places, did not maintain the necessary paperwork, and in general had a very cavalier attitude regarding workplace safety. To complicate matters, only two employees used Toluene, so it would be difficult to get the institutional constituent's side of the story without creating serious problems for the caller. The ask was to force the employer into compliance without getting the employee into any trouble.

This would be a clear example of being very pragmatic and realistic that his ask might be hard to accomplish based upon the parameters he's provided. As a good caseworker, you believe that some action needs to be taken. But what exactly?

Well, you can call the OSHA district office with jurisdiction over your Congressional District (CD). Ask for the district director, and get all the information possible on an employer's regulatory responsibilities in re Toluene. Also ask if this company is a frequent flyer with OSHA Airlines. This will give you some sense of how credible and valid the complaints are. So, you say – what in the world am I gonna do?

Asking OSHA to launch an investigation of the company might still be a smoking gun for the employer, hence, risky for the constituent. And asking a federal regulatory enforcement agency to investigate an institutional constituent is very unusual "casework."

This might be surprising, but I'd tell the constituent based on the given parameters, it is really impossible to achieve his goal. Certainly mention that you called OSHA, and everything he said was accurate. You could take the OSHA information, and put it into a letter. It's something tangible you did, and your actions might be enough. Clearly explain that to pursue this further, he most likely would be identified.

In some cases, the ask is impossible.

Example

I worked for a Member who during his first election promised that his staff would investigate consumer complaints about products, goods, and services. I would

have never guessed a Member of Congress tried to solve consumer matters, but hey, it was a job. Thankfully, those types of inquiries were very rare, and usually handled with a referral. I eventually figured out that a quick inquiry to the Federal Trade Commission (FTC) worked just fine. They'd send a nice response, and always enclosed some brochures. The FTC never actually pursued the issue, they just sent something I could close the case with, and it was "Morning in America."

One day a constituent called complaining about a local car dealership. The constituent had purchased a used car, and after the car was out of warranty, the engine simply stopped running. The dealer concluded a new engine was necessary, and naturally the buyer was furious. As I had done many times previously, I opened an inquiry to the FTC expecting the normal letter, and a few colorful brochures. I'll never forget what happened next. For completely unknown reasons, an FTC investigator opened a full blown inquiry into the dealer's actions, including a visit to the dealership!

As you can imagine, the owner of the dealership (and a friend of the Member) found out about the FTC investigation and why it was opened. That resulted in a very angry phone call from the dealer to the Member on a Sunday, from the Member to the District Director, and "...Tom, get over here to my office now!" I was too effective in this case. If you are interested, the customer and dealer did come to an agreement on a new engine. The dealer did take me off his Christmas card list.

- What is the solution when all options are not that great? If you determine opening a case might be the best decision, call the institutional constituent first. Call, no e-mail or letter. I am not suggesting you take sides, in fact that's what you're trying to avoid, but your tone, attitude, and demeanor are crucially important. Make sure you do not come across as accusatory, taking sides, or assuming they must speak with you. This very rarely occurs, but the institutional constituent has no obligation to take your call. It is actually a courtesy they are extending to your boss. If they provide you with a reasonable, legitimate, and complete explanation, your job could become one of mediation. That is not necessarily a good thing, but might be preferable to opening a case.
- The employer might be awfully unhappy to hear that an employee contacted their Member of Congress. I'm guessing most employers (who are people) would view that as pretty darn extreme. This is especially true because most people perceive a Member as having far more power than they actually do. Also, a non-governmental actor is not going to be used to a call from a Member's office. They have no idea if they must discuss the issue, and the legal ramifications if they do weighed against not angering a person they view as influential.

Note: There is an important distinction here. A private sector company is going to be far more incredulous about contact from a congressional office than say a hospital, university, or any publically supported entity. The latter are used to government contact, and indeed, might have a designated person to deal with these very things. Most private sector companies are too busy complying with all the insanely complex federal regulations, trying to get product out the door, paying taxes, and meeting a payroll to deal with some silly politician's call about something they view as nutty and inconsequential. You know, the people who actually create wealth that can be taxed so we get paid! Livin the Dream baby!

- One possibility is after getting the two explanations, you then contact the relevant agency to determine in an informal, off the record (i.e. – here is a hypothetical situation) or strictly advisory manner if the story checks out and follows their rules. That is very helpful in determining how hard you charge on behalf of the private constituent.
- If the agency seems pretty certain that the institutional constituent followed the rules correctly, made the correct decision in this particular case, and conveyed the decision properly, then you might be dancing on the head of a pin. You must now in essence become a liaison, and carefully explain that their employer was right, and you were wrong. This might also be the time when it dawns on the constituent that the Congressman is not making a formal, written inquiry. Ouch.
- I have found that large institutional constituents with Human Resource, Regulatory, and Legal departments rarely make mistakes regarding federal rules. It is smaller, private, family owned companies that more often make mistakes.
- If the decision is made to open a case, explain why to the institutional constituent and have a clear rationale. No surprises. I would require the constituent to write a letter to the Member explaining their situation, and then forward it with a neutral cover letter. You are simply forwarding a letter, with no advocacy role. This of course might have the added benefit of never getting the requested letter.

Word of caution:

Americans with Disabilities Act (ADA) complaints can also be difficult if not handled well. It is prudent to give the constituent the benefit of the doubt due to their disabled status, and the federal court system has consistently ruled in a fairly expansive manner for plaintiffs. Remember, the Department of Justice's (DOJ) Civil Rights Division has jurisdiction over the ADA.

Example

A local company with approximately 40 hourly employees suddenly closed. Subsequent to the closure, the employees started having older and current medical claims denied. The insurance provider told the employees that the company had not paid the monthly premium for six months, including the employee contribution that was deducted from their paychecks. To make matters even worse, paychecks were bouncing. Several employees contacted our office. Even though the facts made the employer look clearly like the villain, we made several efforts to contact the CEO. After no response, we opened a case with the Department of Labor. DOL made a very aggressive effort on behalf of the employees, and had some success in making them partially whole. The employees were grateful for our efforts, the CEO not so much based on a bitter letter he sent to the boss. Our response included copies of e-mails sent to him, and the exact dates and times of the three staff calls to him. Also, he took the boss off his Christmas card list.

Example

We were contacted by an employee of a huge institutional constituent who had an apparently legitimate complaint regarding a Family Medical Leave Act (FMLA) issue. The caseworker knew enough about the FMLA to quickly conclude the employer was wrong. While a good thing, we also knew if contacted by the employee, the Department of Labor (DOL) would cite the employer. So now you have the feared conundrum of a huge employer providing thousands of your constituents with good jobs being investigated by the feared “feds”; and the boss is connected to said investigation. Not a good thing. So.....drum roll.....what to do?

First, the caseworker came to me per SOP, and we discussed the situation. I was also told based on her knowledge of the FMLA, the employer was wrong. The first action taken was for me to call my POC in the organization’s Government Affairs shop. Yes, they are that big. My POC ran a few traps internally, and called me back to advise they were fine with us contacting DOL. We opened a case, DOL did their thing, concluded there was a violation, and sent us a letter saying that. We then send the letter to the employee with a copy to the employer, and everyone is happy as a clam!

Private constituent vs. Private constituent

So two guys in a bar get into an argument, and one calls their Congressman to solve it.

I cannot emphasize enough to keep your boss out of this scenario at all costs. Absolutely nothing good will come out of it.

- Again, unless there is a legitimate, clear, and compelling connection to the federal government --- punt! Even if there is a connection, the best course of action is a referral to the appropriate agency, and NOT getting involved.
- If two private parties are involved in any type of non-federal dispute, your boss has no jurisdiction. That is the best card to play. Of course, the dispute might be a legal one, and a Member should **never under any circumstances** get involved in any type of legal, judicial, or court situations.
- These are no-win situations for your boss. Do not get dragged into a disagreement between two (or more) constituents. I promise you it will not end well. Also, the *House Ethics Manual* is pretty clear on non-governmental (private) constituent service. In brief, don't do it. You can quote the *Ethics Manual* if necessary.
- If desperate, many federal agencies have fraud hotlines. If a constituent claims their neighbor receives Social Security Disability (SSD) for a bad back, but just made the US Olympic team for gymnastics, give the SSA's fraud hotline, and get off the call.

Summary:

- 1) A constituent v. constituent case can be a very difficult situation. SOP should be to involve the DD and/or casework supervisor.
- 2) Watch for "sour grapes" manipulation. Don't get played. That's true in all casework by the way.
- 3) If possible and feasible, get both sides of the story.
- 4) Your contact with the institutional constituent should be **courteous, low key, and non-accusatory**. Remember, the institutional constituent is not required to speak with you or reply to letters. But they usually will cooperate.
- 5) Ask (insist) the constituent for a letter, and use a "vanilla," neutral cover template to the agency. The Member should not convey the issue or problem in the body of a letter on their official stationery. Your boss has lots more "ownership" of the problem if it is.
- 6) If a case is opened, make sure the institutional constituent is told why, and is kept apprised of the status.

SECTION 7

FEDERAL GRANTS (aka trying to get some **OPM**)

Note: (1) Some offices view grant's work and casework as two different issues. If your office does, too bad, and (2) this section provides very practical guidance.

- The world of federal grants can be very interesting. As noted later, there is without a doubt more deviation among Members on grants work than on the more formula driven casework process. Also, an interesting dynamic or tension exists from an ethical standpoint, and this is reflected in the CRS treatment of grants. CRS has a publication and sophisticated web tools that clearly reflect a strong advocacy role for the Member, yet have another publication devoted entirely to ethical considerations in grants work. I hope this section helps resolve the tension.
- As noted above, CRS has some truly excellent resources on the world of federal grants. The most notable one is *Grants Work in a Congressional Office*. There are (sadly) numerous ways to search for OPM. I strongly encourage you to familiarize yourself with those resources (listed in Section 12).
- There are just three ways to obtain federal funds. You probably would have guessed more due to the sheer complexity of the Federal Government. The three ways are (1) to be an eligible applicant and primary grantee with the funds coming directly to your entity (2) the federal funds (80%) go to another eligible applicant like a state, county, authority, or commission; and subsequently they hire (most often a non-profit) another entity to do the actual work required (3) and a congressional "earmark." Earmarks are currently suspended. To avoid confusion, please note that the vast majority of federal "grants" go to the states to operate many of the entitlement programs; resulting in individuals being the actual end receiver of the federal funds.
- There are a variety of ways to search for federal grants, and as noted earlier the CRS Grant's publication does a great job of listing them. Grants.gov is not designed very well, and is usually a waste of time. Searches at times generate huge numbers of leads that render the website useless. The most important resource by far is the *Catalog of Federal Domestic Assistance (CFDA)*. On the web -- CFDA.gov
- All grant research avenues always lead back to the CFDA. You should become very familiar with the CFDA and how it works. There is a well done *User's Guide* on the CFDA home-page. Study it. All federal grant programs **MUST have a CFDA citation number**. If the grant seeker (aka someone looking to spend other people's money) cannot give you the CFDA number, the "program" does not exist. This is an effective tool for caseworkers, especially when the

touch is something like – “well, you know, I heard on TV, or it might have been a friend on second thought who told me about this government program where I could get a free Ferrari 458 Italia.” Ask for the CFDA citation number. No number, no Ferrari.

- There are over **2,300** grant and loan programs listed – free money! If the poor ol’ taxpayer only knew! 2,300 and counting! Holy cow! Yes little girl, when you’re 23 and paying taxes at a marginal rate of 67%, you can thank prior generations for loving free stuff! Booyah, party! Politicians love OPM, especially little Susie’s, who can’t fight back or vote. **Taxation Without Representation!**
- The CFDA can be searched in various ways. The best technique is to first identify what department or agency would be the most relevant or obvious for their particular situation (could be multiple ones), go directly there, and literally review each and every program listed. Many can be skipped over of course. If you’re looking for Bog Turtle habitat restoration grants, you can skip over the program that encourages the consumption of more pork. While very time consuming, you will not miss any program that fits your parameters. If you’re not sure, simply jump into the program Abstract to get additional information. The Abstracts are very well done, and are a strength of the CFDA. Each department and agency on their websites have grant sections; however, while organized and formatted differently than the CFDA, the sites list the same exact programs. The keyword search is generally pretty accurate, but the algorithm at times fails, and usually returns many superfluous programs.
- A very important aspect of Grant’s casework is simply providing guidance and advice. For example, once a program(s) is identified as a possibility, there are two sections of the Abstract that should be immediately reviewed. First is “Applicant Eligibility” to determine if the organization you’re working with is even eligible for this particular program. Second is to look further down the Abstract to grant funding. The funding information generally goes back at least four or five fiscal years (FYs). Look to see if any money has been appropriated for this program, how much, and is the funding increasing, decreasing, or static. If the program has no funding, game over. Of course, once again because you didn’t play hooky that day, you learned in high school that in Congress there are separate authorization and appropriations bills. Just because a program was authorized (via a Public Law), it doesn’t mean funds were actually appropriated (via a P.L.). Finally, not all Abstracts have this feature, but often programs that were successful in obtaining grants under this CFDA number are listed giving some sense if you’re even in the ball park. The relevant Abstract also has the agency POC for this particular grant. They can be hard to reach at times due to the wi-fi at the North Pole being unreliable at times. I mean, the agency grant

Mavens, just like Congress; they have got themselves some real money! Santa is soooooo jealous.

Example:

If you put “covered bridge restoration” in the Keyword Search, it will return 409 CFDA programs because the algorithm keyed on “restoration.” Not one of the 409 has anything to do with covered bridges. If you put in “covered bridge preservation” it returns 309 programs. “Covered bridge” alone returns 261 programs, none of which provides grants for you guessed it – covered bridge restoration. So, what is one to do? First of all, you don’t throw in the towel. You think bridges = transportation = cars = US Department of Transportation = eyeball every DOT grant program. You’re getting closer.

I mean, who doesn’t like covered bridges? Also, Lancaster County, Pa., is the covered bridge capital of the world. There must be some federal funds for such a worthy cause. Well, guess what, there is. The Federal Highway Administration (FHWA), a part of DOT, has a very modest program that is active but only receives about \$10 million/yr. You read that right, just \$10 million. Regardless, you tell the constituent there is a program, it has some funds in it, and your boss will write a cracker-jack letter of support if they apply, and it is truly “Morning in America.” Unless you’re a taxpayer of course, then not so much.

Note: President George Bush during his first campaign talked about establishing a Faith Based Initiative (FBI), and indeed, an office was created within the Executive Office of the President. The actual implementation created a great deal of confusion. Many faith based organizations (and congressional offices) became convinced that the Bush Administration was unilaterally creating new programs (CFDA citations) containing new pots of money. The reality was something very different. Five departments were selected to have what in essence was an imbedded Ombudsman to guide, counsel, and assist religiously affiliated organizations in obtaining grants that already existed. Again, no CFDA number = no program. Bottom line, the FBI did not create new grant programs because as you learned in high school civics class, only the legislative branch can do that.

Note: In 2009, Congress passed the American Recovery and Reinvestment Act (ARRA). This was also known as the “Stimulus.” If the “other people” knew it created about \$1.2 trillion (with interest) in new debt they owe, I bet they’d get pretty “stimulated!” Unlike the executive branch created FBI, ARRA did create (via actual legislation) 108 new authorized grant programs. There is a special tab on the CFDA home page just for ARRA created programs.

- There are undoubtedly more variations among offices regarding grant's work versus more traditional casework. The Member's political philosophy and beliefs also come more into play. Grants work was substantially simplified due to the earmark moratorium that is still in effect. Additional factors that impact the volume is the relative affluence of the district, the quality of the local authorities (Housing, Redevelopment, Workforce Development) who must qualify and complete complicated applications, a tradition of pursuing federal funds, and if the Member's philosophy is pro-active or reactive.
- A proactive approach could include hosting district seminars on the federal grant process and writing grants. If your office has a grants coordinator, then that person might want to be the speaker. Agencies will also supply experts for district seminars. Having a grant's coordinator is also being (very) pro-active, and without a doubt reflects a Member's grants philosophy. Another indication of a more pro-active SOP would be advising or helping to write the actual grant. In general, I think it is highly inadvisable to help write the grant. Advice OK, writing not OK.
- All legislative affairs offices have at least one expert on grants. If your boss decides to be more proactive with grants work, then you should develop good, professional relationships with these staffers, just like in any other agency. These grant experts are extremely knowledgeable, and are a human algorithm in finding eligible grants for constituents. The grants maven in your office can still use the CFDA to identify the range of possible programs, but then take your findings to the agency grants expert who can drill far down into the weeds, and even roots.

Example

A local public school district contacted the office concerning grants for their in-house police force. The main areas were technology and officer safety related. The grants caseworker did a search on CFDA and came up with possibilities at the Department of Education, General Services Administration (who would've thought), Department of Justice, and the Department of Health and Human Services.

The grant's staffer then contacted each of the four agencies and spoke to the grants maven in legislative liaison. These experts then provided state contacts, deadlines, questions to consider, funds availability, any recent regulations impacting the programs, and even help explaining how the application process works. Needless to say, the school district was very pleased with our assistance.

- The grants section on your Member's website can also be an effective tool to educate eligible organizations in the district, explain how the process works, and provide helpful hints. I believe CRS has developed a grant's webpage where you

cut and paste into your Member's webpage. Many Members have incredibly well done and sophisticated grant sections that rival or are actually better than any other source I've seen. We have a fairly modest grants section, so I'd refer constituents to other Member's websites.

- The best non-federal resource is – foundationcenter.org. This organization has a dedicated page for policy-makers, and is very willing to work with congressional offices. They are a great resource for you. Just think, if your boss screws up and gets beat, with CFDA.gov and foundationcenter.org you can snag some \$126,000/yr job as V.P. for Development at some non-profit! Living the dream.
- There are an incredible number of sleazy sites promising the world to people. Like chain e-mails, there are some quasi-truthful things on these sites creating further confusion. The big scam is free money, especially for starting a for-profit business. It is not totally accurate to say there are zero grant programs for private businesses. There are a few in the CFDA, but for very specific reasons, and of course very competitive. I maintain it is the de facto truth that there are no grant programs to start private, for profit businesses. It is best to be very clear with constituents, and if they're aggressive, say that your boss does not believe it is fair or appropriate to give taxpayer funds to you to start a business.

Example

A constituent goes to a web site promising free money for a wide variety of situations. Some items listed are inaccurate and outrageous, but some are actually benefits that you can obtain. Of course, what the website does not mention are the strict eligibility requirements. For instance it might list free money for education, and Pell Grants are free IF you qualify; or it lists free money for health care, home heating in the winter, free food, and disability benefits as a few examples. As you know, there is indeed "free" (not for the taxpayers) funds for each need listed. Some make their ill-gotten gain by charging people for information that is readily available for free.

- Now the issue of writing letters of support for usually institutional constituents. I'm positive almost all Members write these letters, often pumping them out in large numbers. Overwhelmingly, the easiest thing is to write the letter and give the "soft" perception that the agency grant review committees will possibly be "influenced" by the letter. Or you can go in a different direction and write the letter, but be clear that based on federal law it can have no influence on the decision makers. You can also again point to Venezuela, Moldova, Russia, or Belarus, and ask how those societies where the politicians make all the decisions have worked out for the people of those nations. Hint – NOT WELL!

- Some grants require congressional letters, and others allow for only one state-wide or congressional district applicant. These types of applications might require a delegation letter. Delegation letters are usually a DC office function, so hopefully the DD is at least consulted if there are any issues in signing the delegation letter.
- Another arrow in your quiver is to ask how they'd feel if their application was better than another one, but the weaker one had a letter of support from a Member, ergo, it was selected over yours. Naturally, every office must alone determine the level of candor the Member is comfortable with.
- It is fairly accurate to maintain that even the most conservative Members want individuals and organizations within their district to honestly and aggressively compete for grant funds that are simply returning some of the federal taxes paid back to the district. That is virtually an unimpeachable argument for any Member to be helpful in obtaining grants. Another important distinction is that a fair, equitable, and non-political review process is required by law in determining grant awardees. This creates integrity and the belief that the best organization is receiving the money, and will put it to the best possible use. This protects the interests of the taxpayer.
- Another complication is being asked to write a letter of support where multiple constituents are applying for the same grant. This often occurs with fire companies applying for FIRE Act grants. The best option is to write a very "vanilla" letter rather than trying to explain why your boss won't write a letter. Always say "yes" when possible.
- If a potential grant applicant asks if you can call the agency they are applying to, and ask for advice, insight, or helpful hints, the agency will usually decline the request. The reaction is due to program integrity, equity, and not creating the possibility of a successful challenge due to a lack of fairness. Simply tell the constituent you cannot fulfill their request.

Summary:

- 1) Individual differences between how offices approach and handle grants work are far greater than the differences between how offices handle casework.
- 2) Understand and be able to explain the various ways that one can search for grants.
- 3) Learn the strengths and weaknesses of the CFDA.

- 4) Be familiar enough with the federal grant process that you can provide detailed guidance and counsel to constituents who want to apply.
- 5) Have a clear office policy when the ask is - where to get free money to start a for-profit business? Truthful or dissemble?
- 6) The office should have an SOP on handling requests for letters of support, and the degree of candor the Member wants.
- 7) Grants work can generate some good earned media opportunities for the boss if a letter of support was written, advice provided, or some tangible assistance was provided. Naturally, a Member's philosophy could be to send out a Press Release or arrange a Faux Check presentation for all grants coming to the district.
- 8) Some offices view grant's work and casework as two different functions.

SECTION 8

TAX PROTESTORS

In brief, a tax protestor is an individual who does not file tax returns based on some kooky, borderline insane idea.

- Tax protestors are a unique bunch of people. They are generally well read, intelligent, have expansive vocabularies, and are absolutely convinced of the righteousness of their cause. Our policy is that once we are certain the constituent is a tax protestor, we will not help, or take any action on their behalf. This situation is a poster child for when you **do not** contact the LL office. If your office culture requires you to take every touch seriously, the constituent is always correct no matter what, and what you think as the caseworker is irrelevant, **absolutely make sure your friends at the IRS TAO understand your hands are tied.** And find a new job pronto.
- How does one identify constituents who are tax protestors? This can be particularly difficult because caseworkers are trained to be helpful, understanding, professional, and to give the constituent the benefit of the doubt. Also, these are almost always fairly sharp people who are not going to come right out and say – “Hey, I’m a tax protestor.”
- The most effective and virtually fool-proof technique is to ask to see their tax returns for the years in question. You have all the right in the world to ask to see them. If they hedge, obfuscate, make excuses, or simply cannot produce tax returns, you most likely have a real live, certifiable tax protestor on your hands. If your office philosophy (I really hope it does for your sake) permits this, say that until you produce the returns, there is absolutely nothing this office will or can do for you. If necessary, repeat and repeat. Do NOT engage. The tax protestor wants you to engage them. **They live for that.**
- If the tax protestor is complaining about a frivolous return penalty, again ask to see the 1040 they filed. No 1040 = no help.
- Tax protestors often write long, elaborate, and complicated justifications for their position. It is completely crazy to read or try to understand what these letters purport to prove. The arguments are mostly idiotic, and at times copied off tax protestor websites. Again, I would not try to engage a tax protestor, argue with them, or try to provide a rational explanation why they have an absolute legal and Constitutional obligation to pay taxes. Ask to see their returns. Again and again and again.

- Another ploy used by tax protestors is to say that the IRS Revenue Officers (collections) and Revenue Agents (examination) cannot really prove they work for the IRS, or have the legitimate legal authority to take action. Of course, they reject the IRS badge or official identification. You are to a certain extent in a corner because **how does** one prove they are legitimate, and have the authority to take action. Can you really “prove” you work for a MC? An ID badge will not cut it with these folks so don’t even try. Nothing you say will placate them, so say nothing. They want you to go around and around with them. As I noted earlier, often times tax protestors are very intelligent people who can and will out debate you. So why even start?
- Tax protestors also make the same argument regarding IRS correspondence. How can I be certain this came from the IRS, and is the signer really an IRS employee? Can the signer prove it? And **round and round you go**. If you are required to take tax protestors seriously, and sincerely try to help them, you have my heartfelt condolences. Also, word of advice...**start looking for another job immediately!** You are not working for serious or sane people.

Example:

A taxpayer contacted us regarding some serious and aggressive actions being taken by Revenue Agents in the local IRS office. Veteran caseworkers know that a taxpayer scenario referred to a field office is by definition very serious. Only a very small percentage of cases get to the field. To make matters more interesting, the constituent knew my boss personally, as well as a co-worker.

Naturally, the first thing I did was ask to see the returns. The constituent was very unhappy about that, and naturally complained to their friend, the Member. I was very fortunate because my boss said you must deal with my staff because I couldn’t tell a Revenue Officer from a Corrections Officer if my life depended on it.

The constituent contacted me again after realizing I was the only game in town. After a great deal of hemming and hawing, I finally convinced the constituent to sign a PACF. That allowed me to contact the IRS and find out what was going on. It turns out that this individual went to a seminar and got conned into believing he could set up a “Pure Trust” to avoid paying all federal taxes. The idea is quite simple and elegant. All the income is given to the “Trust”; therefore, the “Trust has the filing and payment obligations. If the “Trust” doesn’t play ball, it’s not the taxpayer’s fault. As you might imagine, the “Trust” was nothing more than a Post Office box in another state.

I contacted the constituent and explained what the IRS told me. He did not deny setting up a “Trust.” At that point I told the constituent there was nothing more

that the congressman could do. Of course he was very unhappy, and this time contacted his friend, my co-worker. My co-worker mentioned the contact to me, and I told him very politely to pound sand since I was his boss. Just kidding. Calm down.

Fast forward a few years. The constituent was indicted in Federal Tax Court for multiple counts of tax fraud, was convicted, and lost just about everything he owned. Of note is that even after conviction, the individual still believed Pure Trusts were legitimate. Go figure.

Summary:

- 1) Tax Protesters are slick, and often very intelligent (in a way).
- 2) If you suspect the constituent is a tax protestor, ask to see the returns for the years in question. If no returns are produced, then your efforts terminate. Be very clear about that.
- 3) Do not engage them, argue with them, or try to prove why they must pay federal taxes. It's a waste of time, and you'll make yourself nuts.
- 4) **Really try to avoid running a case for a tax protestor.** If you must, warn your TAO POCs that this decision was made higher up the food chain. Also, start looking for a new job. You are not working for serious people.

SECTION 9

THE CONGRESSIONAL RESEARCH SERVICE AND CASEWORK

Note: There is some repetition with the section on “Caseworker Resources.”

- CRS has been called Congresses’ “In House Think Tank.” In addition to their excellent *Reports* on Casework, Congressional Affairs POC information, and Grants, CRS publishes papers on more specific issues that have a casework component. There are actually a vast number of connections that you can make. If you have a basic grasp of the policies and reasoning behind common casework issues, you will be a better caseworker. CRS should as an option always be on your radar screen. If you’re a caseworker, but a policy wonk wannabee, CRS is for you! Actually, being a wonk makes you a better caseworker.
- Currently on the CRS home-page is a list of resources to help with Affordable Care Act (ACA) issues. This might be common sense, but as a caseworker, knowing at least the basics of complicated new laws (regulations) allows you to ask better questions. As noted before, good caseworkers ask good questions. Also, the CRS experts who write the Reports are there to assist you. Their name(s) and contact information are prominently displayed on the Report. Call or e-mail them. They respond very quickly, and are always incredibly helpful.
- In the world of SS casework, one of the most vexing and complicated topics is Medicare Part B Enrollment Periods. Providing incorrect advice here can have real world very negative impacts on the constituent. In other words, you better know what you’re talking about. This is a good example where CRS can be an excellent resource. They have a *Report* (R40082) on “Medicare Part B Premiums.” Yes, it doesn’t reference enrollment periods in the title, but it does have a great section on enrollment periods. So, you say...so what.... well, you now have options. You can: (1) call or e-mail the CRS Part B maven with specific or unusual questions, get a detailed response, and provide the CRS response to the constituent, (2) read the *Report* so you understand the issue, and can be a better caseworker, or (3) print out the relevant sections and mail to the constituent. To be clear, I am **NOT** suggesting you do this in lieu of opening a case with the local SS office **if necessary**. These options are useful when the contact is asking for assistance in understanding how this all works.
- CRS can also help in “sticky wicket” situations. If you have a situation where a constituent receives a “Notice of Enforcement” from for example the Environmental Protection Agency (EPA), and asks your boss to get involved, CRS will write a letter explaining how a Notice of Enforcement is a quasi-legal

proceeding, and a Member's involvement is inappropriate. Obviously, CRS is delivering the bad news, and not you. Also, Ethics will do the same thing. CRS folks are more fun though. For sure! Ethics' staffers are all business! Once in a while, just call (202 225 7103) them up and ask how their day is going.

Note – Committee staff (or your DC office leg. shop) as a resource is probably something most caseworkers would not think of. Also, you can use them in conjunction with CRS. If your boss is in the minority, call minority staff and majority to majority. The House *Telephone Directory* and/or committee's website will list the minority/majority staffers. See *Example* below.

Example:

A major energy company announced they were seeking approval from the Federal Energy Regulatory Commission (FERC) to build a very large new inter-state gas pipeline, and about 36 miles of it would cross the district. Since I knew there would be considerable constituent touches concerning the pipeline, I tried to get ahead of the curve, and educate myself. I used a variety of sources, but CRS and the relevant congressional committee staff were extremely helpful in giving me a deep dive on all things inter-state pipeline. This allowed me to better serve the constituents, as well as giving good advice to the Member on how to handle the issue.

Example:

Several years ago the Occupational Safety and Health Administration (OSHA) decided to start aggressively enforcing the use of harness safety systems for roofers. This created a few serious issues for builders, and many contacted my boss. In working with the trade association for roofers, we were told that there might be some committee interest in introducing legislation to force OSHA to back off enforcing a requirement that had been in effect for many years, but was in general not enforced. From the casework perspective, this was an important consideration relating to efforts focused on finding some common ground for the long haul, or something more short term since a legislative "fix" might be coming.

I contacted the relevant committee staff and was clearly told it was very unlikely any legislative fix would be occurring.

Example

A local farmer was cited and fined for a serious Environmental Protection Agency (EPA) storm water run-off violation, and received a "Notice of Enforcement."

Additionally, the farmer was very un-cooperative and combative. The constituent went through the EPA appeal process, including the personal conference. At this point, the EPA reduced the fine; however, due to how serious (and repeatedly) the violation was, the fine was still very large.

The farmer contacted us, and we explained the limited options available to him, and that we had no ability to unilaterally intervene in the EPA enforcement process. The farmer was extremely clear that he wanted the boss to tell EPA to waive the fine, go away, and leave him alone.

I contacted CRS, and their American Law Division wrote a letter to my boss explaining why a Member absolutely cannot get involved in an agency quasi-legal administrative procedure. The letter was sent, and there was no further contact.

Note: This example has some similarities to the issue of *ex parte* communications from Members to agencies. I would strongly suggest reading the part of Chapter Eight in the House Ethics Manual that discusses this issue. *Ex parte* in relation to casework is simply going outside the normal administrative due process. If your boss once served in Congress with an individual who was subsequently appointed to a Commission, and that body is ruling on an issue impacting an important constituent, sending him a hand written note on the Member's personal stationery about the matter at hand would be an *ex parte*, hence prohibited, communication.

Summary:

- 1) CRS is an excellent resource for casework both directly through their *Reports*, and a variety of other less obvious ways. When all else fails, contact CRS!
- 2) Within cost-benefit parameters, and based on your personal preference, you can use CRS to become a policy wonk on the federal law and regulations that drive the casework generating sections of laws.
- 3) Garbage in, garbage out. The more you know = better questions = better answers = happy LL staff = better service = the Member looks good = gets re-elected = you still have a job!
- 4) They can write letters so you and your boss are not the bad guys.

Note: Get in the habit of reading agency finals and e-mails. You'll learn things, plus it is almost guaranteed you'll see the same constituent scenario again.

SECTION 10

CASEWORK AND THE FEDERAL RULE-MAKING PROCESS

- If you remember from the Preface (of course you do) there was a simple test mentioned to determine if the ask is handled in DC or the district. The federal rule-making process can make this test inaccurate at times due to its “hybrid” nature. The complexity in the context of casework is exacerbated because the constituent most likely does not totally understand what they’re calling about (maybe their trade association encouraged the call), and assumes they’re calling about pending legislation or maybe a floor vote. The caseworker must pick up at times subtle clues that the issue is in the rule-making process.
- That is why I strongly encourage you to find a decent explanation of the rule making process, and study it because you will get touches where this process is the key to the ask. While several years old, CRS has two excellent Reports on the rule-making process, including a flow chart.
- The process is very legalistic and formal, where an interested party must follow a clearly prescribed process. Also note that all federal rule-making is done through the *Federal Register*, so become somewhat familiar with how it works. Please note how to file comments via the *Register* is particularly crucial.
- When a constituent touch is about a rule, immediately find out if it is a proposed rule, interim rule, final rule, or already in the Code of Federal Regulations (CFR). **Your advice and guidance depends on the answer.** The touch will most likely not know. The constituent is probably upset about something in the rule, wants your boss to fix it, get it removed, or changed in some manner that benefits them. The essential dynamic here is, most likely – **It’s too late.**

The bad news is, you’re calling after the horse is long gone out of the barn. You should have called three months ago when the then bill was going through the “legislative process.”

- The bill is now on its way to becoming law, so the executive branch calls the shots. This is when based on your knowledge of the process, you explain how an interested entity can file comments, but only in certain ways. You can still provide good constituent service in explaining the process, how to file comments, or the Member can send in his own comments based on the constituent’s concerns. I generally believe it is inadvisable to send in official comments for constituents. Too many bad things can happen. Why look for trouble?
- The casework hybrid nature is due to the fact that Congress can retro-actively impact the agency rule-making in about four ways through the appropriations

process outside of the required and mandated procedures. The DC office should be brought into this as well. They can tell you if your boss alone, or as part of a larger group of Members is pro-actively taking issue with the proposed rule. If yes, your problem is solved! The “casework” is simply telling the constituent the boss is all ginned up as well, is doing xyz, and is “simply not gonna take it any longer!”

- If the public, trade associations, lobbyists, and impacted industries get active and visible enough that it gets the attention of Congress, actions can then be taken to slow down, stop, and generally wreak havoc on the process. Also, in some cases, it takes years for the agency to issue rules.
- The “casework” could now be transferred to the DC leg. shop if there appears to be some real chance of Congress (and your Member) using the tools at hand to gum up the agency rule-making process. The leg shop via the Leg. Correspondent is now responsible. So the constituent in this case is getting the action he wanted. Please understand often this is not the case, and as noted above, this dog won’t hunt.
- Due to some very complex policy and political reasons (I’m maxing out my P/C meter here), the Federal Court System has increasingly stepped into the role of ultimately deciding what federal law actually does mean. In America circa 2016, many of the changes to existing U.S. law are made by judges. While being circumspect with the constituent, you might want to tactfully suggest legislative action to change the rule is not likely.

Example

A local sheltered workshop for severely handicapped adults was going to be negatively impacted by some new federal regulations. Based on the Executive Director’s explanation, it certainly seemed like he was correct in his analysis. To make matters somewhat more dicey, the constituent was very aggressive and clear that my boss MUST fix this now!

As I’ve noted above, one of the biggest challenges in these contacts is figuring out sort of through trial and error; question, and answer where exactly in the process the “regulation” is. Often times, the constituent will say some combination of “bill, law, regulation, or proposal.” So what to do? Unfortunately, there is not some sort of one size fits all answer. You must probe, and based on your new knowledge from this Guide, narrow the options down (and be on Google at the same time entering some key words with the hope of getting lucky). Your response to the contact is very dependent on knowing the answer.

In this case, the “regulation” had gone completely through the rule making process, and was codified in the CFR. So, as noted above, I had to tell the constituent that the train has left the station. Ka-Boom! The Ex. Dir. was not a happy camper. I tried to explain the options – fight in federal court or get legislation through that “fixes” the problem. I was honest (silly me) that both choices are not that great for short term relief. In detail, I explained about creating a coalition, visiting Members, lobbying, having a Fly In, contacting Members on the relevant committees etc. He was not impressed. He wanted my boss to fix the problem. And to make things worse, he was now demanding a town meeting with the parents.

So..... he agreed to meet with me, and had several parents in attendance. I prepared a detailed explanation of the options (he was still upset about the options); and how my boss would be happy to pursue this in DC to determine if other Members were hearing the same concerns to the extent that a coalition might be created to take a look at legislation to address the issue. The Ex. Dir. was satisfied with that plan of action.

So again, the key was ascertaining where the “reg.” was in the process. Until that is established, anything you say is speculation.

Summary:

- 1) The federal rule-making process can be a “hybrid” between normal executive branch casework and the prior to becoming a law = handled in DC test.
- 2) Newer caseworkers might struggle to pick up what the constituent is referring to, and then, where is the subject of their concern in the process?
- 3) The location in the rule-making process drives the casework.
- 4) The inquiry is still casework, but with a possible legislative connection.

SECTION 11

CASEWORK, E-MAIL, AND THE INTERNET

- In complicated, nuanced, and potentially controversial matters, contacting the agency via e-mail might be preferable to a nice Member signed letter on official letter-head. The letter connects the Member more directly to the issue. Hey, there's his signature! So there is more direct "ownership," when that might not be a positive. E-mail might not have the same gravitas, or weight, and that can be a good thing too. An e-mail inquiry is pretty pedestrian, and again does not have his signature. Of course, if your office policy is that the Member "signs" e-mails too, then I just wasted your time. Sorry about that.

Note: This is discussed more when I talk about High Level Casework (HLC).

- As in almost every aspect of our personal and professional lives, the Internet has had a huge impact on casework. This topic is another one where the Member's constituent service philosophy will have a substantial amount of influence on what that "impact" will look like.
- The single biggest impact of e-mail on casework can be summed up in one word – speed. Responses from agencies come back much quicker than traditionally written up snail mail cases. Almost every agency now has a congressional e-mail box that is checked daily and the cases are assigned. In many instances, LL staff who you've worked with for a long time will give you their personal e-mail accounts for even faster processing.
- We cannot just assume everyone likes digital communication. Just like many people still want to touch, hold, and see the book they're reading; some constituents still want a nice signed letter from their Member on some fancy stationery. Maybe asking the constituent what communication method they prefer becomes case creation SOP. On the flip side, as more and more Americans become very comfortable with the digital world, Members might phase out hard copy letters. A case might still be at least two communications, but exclusively via e-mail. I think it is safe to say we are in a transitional period.
- I noted this previously, but we are already seeing casework done almost exclusively in digital form via the Internet. Scanning and e-mailing are becoming the new norm, or at least soon will be.
- If the inquiry was e-mailed to the agency, the initial letter telling the constituent that a case was opened for them is still sent, and the agency "final" (copy of the

agency e-mail) can be printed out and sent with the normal “final.” Bottom line, you get speed, but are still putting letters into homes.

- The internet is a great tool for all caseworkers to find information as well. Just do a search if you’re not sure of the agency, program, or exact name, and it almost always comes right up, or at minimum gives you clues.
- Agency websites are almost always very well done. It appears that the federal government has finally figured out something they can do well. The sites are user friendly, contain boatloads of information, and allow internet savvy constituents to do a huge variety of on-line transactions. Please note that four out of ten seniors over 65 do not use the internet for anything transactional. Find out if the constituent has a computer, internet access, and knows how to use it.
- One of the most basic decisions after determining the computer and internet sophistication of the constituent is to simply direct the constituent to the relevant agency website with the caveat to call back if unsuccessful, or the caseworker gets the ask and does the internet research or whatever needs to be done. Not to state the obvious, but option two creates the most goodwill for the boss, and can be viewed as very pro-active constituent service versus a more passive style of simply advising the constituent to go to VA.gov to download the form.
- I’m positive that every caseworker in the country has on occasion wanted to say – “Sir, there is this thing called the Internet, and well, it’s pretty cool. If you want to know for every country on the African Continent how safe it is for Americans to travel there, did you consider the State Department’s excellent website?”
- If the casework staff has a relatively large amount of discretion, then many times cases can be done totally via e-mail. The PACF and relevant documents can be scanned and delivered via e-mail of course. In general, we have found this style very effective, much faster, and more time efficient because the caseworker is not pumping out initials, interims, and finals.

Summary:

- 1) The Internet and e-mail have in many ways revolutionized casework, generally in a positive way.
- 2) Like anything revolutionary, there are many different viewpoints how to fit technology into a system that has worked well for a long time.
- 3) Technology can to a certain extent make the caseworker – constituent relationship less personal through the use of e-mail, and by solving problems

with a simple referral (perceived as less helpful) to the relevant agency's website where the information can be found, form down-loaded, or application completed. The constituent becomes less dependent on the Member, and there are fewer opportunities to create good-will.

SECTION 12

CASEWORKER RESOURCES

- This *Guide* is the **ultimate** caseworker resource! Never forget that!
- CRS is an excellent overall resource for new and veteran caseworkers as well. They have a variety of very well done Reports, Videos, and Sample Pages dealing with various aspects of Grants Work and Casework. Also, don't hesitate to contact the CRS expert who wrote a particular Report because they are extraordinarily helpful. Again, and worth repeating, CRS can help you understand the underlying factors, reasoning, legislative intent, and rationales that drive casework. Examples -- Why is there a five month waiting period before the first SSDI check arrives? Why does SS have an earnings limit? Why did the VA start allowing "fee basis" again on a limited basis? Why is the Medicare Part B premium means tested? When all else fails – call CRS!!!
- The *Federal Yellow Book* and the *Federal Regional Yellow Book*, published by Leadership Directories Inc., are the best resource for actually identifying who in the agencies can solve the problem. Four editions of each are published every year. You can get it online (**awesome**) as well. Yes, it is expensive, but worth every penny. Member Representational Account (MRA), and Senate Office Expenses will pay for the subscription. These are essentially the Federal Government's phone books. I'm not shilling for the company, but they are truly an awesome resource for caseworkers. If you don't have these, your casework operation has one arm tied behind its back. We have a SOP that in case of fire, the *Yellow Books* are the first things we grab on the way out. If you want to, and are allowed, you can penetrate right into the bowels of these massive bureaucracies. You can also be a wee bit naughty, and give the angry constituent the name, direct phone number, and e-mail of the actual honcho who heads the office ruining their life. Just make sure to tell the constituent never divulge where they obtained this POC information!
- Some agencies also publish caseworker guides. Each military branch publishes a *Casework Guide* or *Manual*. Also, there is an excellent *Guide to Veterans Benefits* written for veterans. Become familiar with it. For example, you need to know the difference between Service Connected Compensation, and means tested Pension benefits. Also, **read the agency finals**.
- This might sound sort of obvious, but don't forget about the Internet. You have a contact that seems to meet the three tests on opening a case, but the constituent is unclear or confused, and you just can't glean enough information to complete the

puzzle, and develop the case. You did pick up a few terms, words, and phrases. Why not put them in Google and see what comes back. You might be surprised.

- The Congressional Management Foundation (CMF) also has a myriad of links, resources, and Guides covering almost every aspect of running a congressional operation. I have always found their products to be real world oriented and reflective of what staffers actually face every day. Not ivory tower based. They do have a casework specific section that you should review, plus other *Guides* can be down-loaded.
- *HouseNet* also has a very well done section on casework and resources to help constituents. The tab is in the upper right corner on their home-page. You might not think of this as a resource.
- The entire casework shop is a resource. Use them! They were you one time. Hostile take-over = every staffer new = a real three ring circus! Have fun with that. No, the Member does not get a helicopter to fly around the district. No, the Member cannot make you the head of the Fed. Don't feel bad, Sarah Palin didn't even know what the Fed was, and she wanted to be the Vice-President of the United States of America!

Note: Nasty stuff here.....while totally within his rights, a very senior Member's district staff totally erased (re-formatted the hard drive I think....whoa) their server, hence the new incoming Member (a fellow R) had exactly less than diddly squat regarding constituent records, addresses etc. Ouch! Remember those hostile take-overs! Booyah. Again, this is a rumor.

Note: If there is just **one thing** you take from this *Guide*, it should be to get the *Yellow Books*. Online is more expensive, but incredible. The office needs just one subscription because you can "hand them down." You get a new one every three months. Over the years we have pulled some rabbits out of a hat because the *Yellow Books* allow the caseworker to somewhat understand the internal set-up of these massive "Puzzle Palaces" (sorry NSA), gives hints where to look, and gives options on how to go exactly where you need to be to resolve the issue.

Please note this is not 100% fool-proof, but in my view it works often enough to try; and frankly, what's the worst thing that can happen – ".....no, we can't help, please call the LL shop." Big deal.

- Remember to develop the good habit of using the Regional Offices as well. DC LL is not the only game in town.
- Office of General Counsel website has an **excellent** section on casework comms.

Summary:

- 1) Caseworkers have a vast number of resources available to them.
- 2) CRS, the *Yellow Books*, and your fellow caseworkers are excellent resources.
- 3) Don't forget about the Internet. A few key words put in Google will almost always put you on the right track.
- 4) This *Guide* is the ultimate caseworker resource, bar none! Don't ever forget that!

SECTION 13

HIGH LEVEL CASEWORK (HLC)

- By “High Level” I mean the individual or institutional constituent with the issue is a big business, a sewer authority, another elected official, a VIP, a town or city, a county, or anything that is more controversial, complicated and nuanced, more visible (media interest?), stakes are higher, and there is less room for error. As stated numerous times previously, this is subjective; however, for senior staff these should be fairly obvious. If not sure if it is HLC, err on the side that it is.

Note: In thinking about how to determine if a case is “High Level”, I’m reminded of Supreme Court Justice Potter Stewart’s famous description of hard-core pornography – “I know it when I see it.”

- Our solution is simple, I do almost all the high level casework. In my view, it was just easier, because even if I was not working the case, I was heavily involved at every step. No need to tie up two people. The other staffers loved it too, plus it allowed me to show them the “Old Guy” still had what it takes. The captain of a nuclear powered, 95,000 ton aircraft carrier with a crew complement of 5,500 still has to have so many carrier landings per year to stay qualified. I am not comparing myself to the carrier captain, so calm down.
- It might also have some political benefit because the constituent knows the senior district staffer is working the case, plus if the DD is doing their job, they should hopefully know the person with the issue. Further, if the DD has a good reputation, the constituent has more confidence the issue is being handled with discretion, professionally, and by someone with a very good grasp of how the world actually works. This is not a slight, but rather an acknowledgment of how personal relationships have incredible importance in politics.

A seasoned, experienced caseworker or the Director of Casework (if you have one) can of course do HLC as well.

In my opinion, here are the parameters to determine if a touch should be classified as HLC:

- 1) A state or county agency is involved.
- 2) Issue is complicated, and politically nuanced.
- 3) Non-elected community leaders (for example non-profit Ex. Directors) and VIPs are involved. And lawyers...yuck.

- 4) The situation would be ripe for media attention, or already has it.
- 5) The ask came from an elected official or VIP.
- 6) There is non-SOP process involved.
- 7) There is a great deal of money at stake.
- 8) All communications from the Member must be carefully written, and assume they could be made public. Would it be ok on the front page?
- 9) One of the constituents involved is known to be difficult.
- 10) If mishandled, could be an issue for the Member.
- 11) Other elected officials are involved.
- 12) Constituent A vs. Constituent B.
- 13) MIC case.
- 14) The Member needs read in. Cool beans insider DC lingo again!

Example:

Refer to the previous example of the possibility of closing a post office in a small town as well. That was definitely HLC, especially after our rookie mistake.

Example:

A county chartered authority (who answered to a state agency) in the district had the responsibility to run an important federal program. This is very typical of course. The authority had a complicated personnel issue with a long-time employee who had both supporters and detractors on the board. After the board was unable to come to a compromise on resolving the matter, a few board members unilaterally took action that included a large severance payment.

These board members believed they had the authority to authorize payment; however, they did not. The state agency discovered through an audit that the payment had been made, and demanded that the authority re-pay the money. The state thankfully did not make the authority try to get the money back from the terminated employee.

As you can imagine, this by now had developed into a sensitive situation with several significant individual and institutional constituents being very no unhappy campers. And there were lawyers involved too! Yuck.

As I noted previously, the county chartered the authority, ergo, it was ultimately responsible for refunding the non-allowed severance payment. At this point the chairman of the board of commissioners contacts the office. This individual and I have worked together on numerous issues over the years. The ask was to determine if the federal agency with jurisdiction over the program would require, or “strongly encourage” the state to waive repayment by the county. Remember, it was a large amount of money.

I took a number of actions to determine if this was a possibility; discovering that it was not. If you use the more narrow definition of casework, our jurisdiction ended. We ran the case, but no joy in Mudville.

Due to several extenuating factors, and using the argument that federal money and regulations largely govern the manner in which the state agency operates, I wrote a long e-mail to the state agency advocating for the county. The Commissioner was of course on the cc distribution list. He was happy with our strong advocacy.

The situation was finally resolved with the county having several years to re-pay the money through credits they will be given for cutting administrative costs. Case closed, everyone wins but the poor ol’ taxpayer!

Example:

A political sub-division had a long-standing issue with a bridge that had been heavily damaged in a storm and could not be used. Only about 15 trips over it per day are expected if re-opened, yet rebuilding it to current standards will cost over \$1.5 million, with the normal 80/20 federal-state cost split. You know – OPM.

Due to changes on the elected council that ran the political sub-division, there was no institutional knowledge about how they got to this somewhat ridiculous situation similar to the infamous “Bridge to Nowhere.” Paging Don Young. To complicate matters, due to some zoning, state transportation agency rules, and emergency responder issues, the council was under pressure to approve the bridge. A very modest amount of local money was to be used; however, if the council did not allow the bridge to be built, the residents of the political sub-division would owe over \$1.5 million in fees, penalties, etc. This is a very small, rural area.

The \$1.5 million would be owed to the state transportation agency; however, it was the Feds who were requiring the township to pay the penalties, etc. plus, about \$500,000 had already been spent in design, right of way acquisition, and other pre-build costs.

There was a relatively wide-spread belief that some previous elected officials had handled the entire matter poorly, and had also violated some Sunshine Law provisions. Due to these controversies, the media was hot to trot as well.

Some on the council had political enemies who were attempting to exploit the matter for political gain.

So, surprise, surprise, surprise (remember Gomer Pyle USMC and Sgt. Carter?), one of the council members contacted me. This was without a doubt HLC. The ask was to get the Feds to waive the \$1.5 million owed if the bridge was built. The Feds said no because a waiver was not an option.

The choices were all bad. No bridge, pay \$1.5 million. Build bridge, money is not owed, but everyone looks silly building a bridge that no one will use. It seemed clear to me that with \$500,000 already spent, and a huge financial burden falling on the residents; building the bridge was really the only choice. In a very tactful, and no finger-print manner conveyed that to the council.

The media did cover the story closely, and also editorialized what a horrible fiasco this was allowed to become. The editorial also criticized my boss for not “forcing” the Feds to waive the \$1.5 million.

Example

The largest concentration of Amish in the United States live in Lancaster County, Pa., about 38,000 in a county of 520,000 (7.3%). The Chairman of the Old Order Amish (for secular, not religious matters) in America lives in Lancaster County. He is the designated liaison (I tease him that he’s a lobbyist) between the Amish and the secular (English) world. He works through 23 State Directors.

If the Amish have an issue with the federal government, the Chairman contacts our office. You might be surprised, but there are numerous federal issues that impact the Amish. For example, the Amish do not take or allow photographs based on religious principles; that alone creates many issues. Since the information, advice, and counsel we provide impacts the entire Amish community (in about 23 states) nation-wide, we view this as very HLC.

On a personal note, I have made some great friends in the Amish community, and I'm really going to miss dealing with them. I offered my services as a full-time lobbyist, but they balked at my salary request of \$500,000/yr. Go figure!

Summary:

- 1) HLC should be handled by the DD, Director of Casework, or a seasoned caseworker.
- 2) You should have a de-facto SOP on what determines if an inquiry is HLC; however, the DD or a senior caseworker will instinctively know as well.

SECTION 14

MISCELLANEOUS TOPICS:

These are in no particular order.

- 1) Doing Business with the Federal Government.
- 2) Completing Applications for Constituents.
- 3) Dealing with Non-Federal Issues.
- 4) House Ethics Committee.
- 5) Using Elected Officials in other States as a Resource.
- 6) Child Support Enforcement.
- 7) Private Bills.
- 8) Can Making a Congressional Inquiry be Counter-Productive or a Mistake?
- 9) Insurance Issues.
- 10) Caseworker Specialization.
- 11) Non-Federal Referrals.
- 12) New Caseworker Staff Integration.
- 13) Staff Attending Outside Meetings.

Introduction:

It is obviously not an exact science determining what subjects get a full Section vs. relegated to the dreaded “Miscellaneous Subjects.” While important in their own way, the following are issues that you might only encounter once in a while, or never. The first four sections were designed and written with the goal that by the end of Section Four, you should have a pretty good idea of how to create a case.

1) **Doing Business with the Federal Government**

Refer them to *FedBizOpps* for selling to Uncle Sam. That site should be enough

to get them started in the right direction. The Small Business Administration (SBA) has various programs that are designed to assist companies interested in federal procurement. They are very good actually. Remember that the SBA will do a wide variety of seminars in your district. All you must do is ask. Also check where the closest SBA affiliated Small Business Development Center (SBDC) is located. If there is a Service Corps of Retired Executives (SCORE) chapter in your district or state, they are excellent in helping to start a small business. There are a remarkable number of free resources to get advice.

Doing business with Uncle Sam is not for the faint of heart. Ever seen the Federal Acquisition Regulations (FAR)? It is bureaucratic insanity taken to an entirely new level. There is an entire genre of lobbying shops in DC that do only FAR issues. Also, with fewer crumbs coming off the proverbial federal (taxpayer) cake (remember that scene on the yard at the Hampton estate summer home in the *Bonfire of the Vanities?*), and therefore intense competition, more awards are being appealed. So even if you ‘win’ the contract, you’re not out of the woods.

2) Completing Forms and Applications for Constituents:

I do not think it’s a good idea. In fact, it is a bad idea. What if you make a mistake? It can be very time consuming. Is it really in your job description? Can you filling out forms lead to complications down the road? Should the constituent have the responsibility?

Make a big mistake, and your boss has a hot mess to deal with. You make a mistake on an immigration form, and bingo; an individual has a permanent exclusion from the United States.

Explaining questions, clarifying confusing sections, and making the form understandable are certainly fine.

I know your instincts are to always be helpful, but in this case, fight those feelings.

3) Dealing with Non-Federal Issues

There are undoubtedly a variety of policies on this issue. One factor might be if your boss has a good PVI (if you did your homework, you now understand PVI) or not. There are a number of things to consider as well. First, in non-federal matters your boss from a strictly statutory/jurisdictional standpoint has none. As discussed in a previous Section, “non-federal” can be defined in various ways. To review, that is a caseworker tool within the office SOP.

Second, another elected official, or legislative body has immediate jurisdiction. A

simple rule to use is whenever there is another elected office holder (s) between your boss and the issue, punt. Yes, use the dreaded “NO” word. This also avoids any hard feelings that your boss is trying to muscle in and grab credit for solving the problem. We’ve had a long standing policy with all other elected officials in the district that we refer non-federal touches to them, and federal touches come to us. Our experience has been that when an office doesn’t follow this, we have to clean up their mess.

A Member who gets involved in local matters like a school board, zoning, sewer expansion, local elections, or volunteer fire company disputes, is just nuts. Update that resume, I’m telling you!

The truth is your boss can really get involved in almost anything under the sun. Your boss is a bona fide, incentivized, certified, authorized, motorized, energized United States Congressman for heaven’s sake! Seriously, only us in the business know about, or care regarding jurisdiction. (Alert – you can play the jurisdiction card to **not take action** as well). Most people attribute far more power to a congressman than actually exists in reality. Of course, that can be a real asset if you go rogue once in a while. While the Ethics’ folks might be a little unhappy, you can be naughty once in a while.

Please note the average constituent has no idea that “Federalism” is a supposed key component of our democracy. Most people could not define Federalism if their life hung in the balance.

If there is some concern about involvement in a non-federal issue, you simply say – “yes, yes, the Congressman indeed contacted the bank and convinced them to give the local Boys and Girl’s Club a mortgage forbearance agreement so they won’t have to shut their doors, terminating services for 478 young men and women.”

“Yes indeed, the Congressman absolutely was instrumental in getting through all the UNHCR red tape to bring that precious little Syrian girl with the serious heart problems to the Cleveland Clinic.” **Guilty, guilty, guilty!**

Common sense folks, common sense. Going above and beyond for a constituent is never the wrong thing. Oops, used the word “never.” I’m assuming you know that helping a constituent smuggle in fake Rolex watches is not a good idea, unless of course they double max to the Member’s campaign. JUST KIDDING, please don’t call Ethics, and “make their day.”

Example

A young couple was about to lose their home; however, they were expecting a 1040 refund of over \$8,000. Sadly, their tax preparer transposed a digit in their checking account number, and by chance, that account (with the wrong number) existed at the bank too, so the electronic funds transfer (EFT) went into another customer's checking account. The couple based on the IRS website, knew the EFT had occurred, but due to privacy laws, the bank would not confirm nor deny receipt of the payment. Again, they were days from fore-closure. They contacted us, and we contacted the bank, explained the situation, and after checking, saw that indeed, an IRS EFT did occur of the exact amount on the date given. The bank immediately gave the correct couple credit for that amount, and pursued the incorrect account holder for payment.

Yes, this had a federal connection, but the casework was with the bank.

4) **House Ethics Committee**

The constituent meets the criteria to open a case, but you, and maybe your immediate boss just have this queasy feeling about the constituent and/or the ask. Things just don't add up. Remember you can always contact the Ethics' Committee for their opinion. Simply tell the constituent you need to run this past the Ethics' Committee first. You could also refer to, and/or quote the House (and Senate) Ethics Manual in reference to casework. In the House version, it is Chapter 8 from pages 299 to 322. On pages 300 and 306, the five specific casework actions* that are acceptable are noted, and there is considerable detail on casework do's and don'ts.

Trying to figure out how to say this – If the Member for whatever reason just doesn't want to say yes to an ask, simply say we checked with Ethics, and they said no. That's one of those naughty tricks I mentioned.

In other words, you can cite the Ethics Committee, House Counsel, House Administration Committee, and House (operating) Rules as excuses not to take action for a constituent. It is highly unlikely a constituent is gonna challenge that assertion. In my experience, the staff in these offices go out of their way to help Members navigate through difficult casework situations.

Of course, never forget they'll be just as happy to nail you for eating finger foods sitting down at that reception. Walk the plank ye scallywags, no crab balls for you. Just kidding, I love those fun loving folks in Ethics.

Game – try to find the word caseworker in the chapter on casework.

*Allowed Actions:

- 1) Request information or status reports.
- 2) Urge prompt consideration of a matter based on the merits of a case.
- 3) Arrange appointments.
- 4) Express judgment on a matter.
- 5) Ask for Reconsideration based on law and regulation, or administrative or other decisions.

5) Using Elected Officials In Other States

While generally rare, there are times when you might get a touch where the ask is help with a non-federal matter in another state. You can of course punt, but for most people dealing with a bureaucracy in another state can be daunting. I have found if you contact a Member (I ask for the DD) in that state, and explain the situation, they will almost always help directly, or know a state elected official who can. Remember that the DD and casework staff probably have friends in the State Legislature, and might even have POCs in the various state offices, probably as you do. I've never been told no in this situation.

Example

A couple moves to Texas to open a new business. Sadly, the husband passes, and the widow moves back to the district. She simply cannot get certified death certificates from the Texas Bureau of Vital Statistics. This is creating a great deal of hardship because she needs certified death certificates for a variety of reasons. She contacts us for help. We ask what her Texas address was, and via the miracle of the internet, quickly find out who her State Senator was while living there. We contact the Senator's office, ask who the constituent service honcho is, explain the situation, and in three days our constituent had six certified death certificates. This was all done with one phone call, but I'm sure generated beaucoup good will for the boss.

If the constituent has an issue with the District of Columbia government (parking ticket for example), well good luck with that!

6) Child Support Enforcement

While each office must determine their policy, we do not pursue intra-state cases, or where both parents live in the same county. We believe the President Judge through the Domestic Relations office is best equipped to address these cases. The

US military does investigate and respond to congressionals regarding child support payments. In fact, the finals are generally pretty detailed, specific, and not filled with boiler-plate. The US military does seem to take the parental support of children very seriously. Also, inter-state child support cases can be sent to the Office of Child Support Enforcement (OCSE), a part of HHS. We have always had good results with OCSE.

7) **Private Bills**

A private bill is introduced by one Member or Senator to do one fairly narrow thing for usually one person. You could be a caseworker for 50 years (whoa) and never be asked about a private bill. Most commonly, they are used for immigration matters. Private bills are handled like any bill, and must be signed by the President. Private bills VERY VERY rarely become law. You should find out your Member's position on them, and act accordingly. Never offer one. If you do, trust me, the COS and Legislative Director (LD) are gonna make your life into a living h---! You know those 5,897 postcards that flooded in about gun control? Guess what, you're putting every last one into the computer!

This is in case the term comes up. If interested, CRS has a *Report* on Private Bills.

Some quick (note quick) research indicated that the last private bill to become law was done by Senator Carl Levin in 2012. It was an individual immigration matter.

8) **Can a Congressional Inquiry be Counter-Productive?**

What should you say when a constituent asks if a congressional inquiry can actually hurt their case, be counter-productive, or cause retaliation?

I say – yes, of course; however, highly unlikely. It is impossible to completely rule out because humans are integral to the processes, procedures, and interpretations that drive casework. Humans have moods, good days, bad days, happy days, and sad days. They're human. Make it clear that agency staff can be severely punished if they retaliate in any manner. The rules are very clear.

The LL staff are pros like you. They understand the great Kabuki dance being played, and their role in it. Most know and appreciate the pressures you're under, and frankly they have a job because of the casework system that has developed. They are just doing a job.

Is an agency employee allowed to take an adverse action because my congressman sent in a letter? No, of course not; however, can you be 100% certain it did not occur? Answer – no. The chances of an agency taking some adverse action due to a congressional is about as good as Michael Bloomberg drinking a 24 oz. cherry slushy from Seven-Eleven.

If a caseworker is a jerk, or the casework shop has a bad reputation and the LL staff dread having to deal with a particular office; probably has more potentially negative impact than the actual congressional. When an agency has some limited flexibility, discretion, or judgment on the ultimate resolution, it is simple common sense that a pleasant, professional operation might have a higher propensity to get a break for the constituent. See Section Three.

Also, in the vast majority of the cases, the agency employee has a limited ability to retaliate. They are taking a situation, applying the precedents, rules, regulations, case law, and administrative law as codified in the Code of Federal Regulations (CFR), and making a determination. Can they slow down the decision making process? Yes, of course.

9) Insurance Issues:

Generally speaking, the Insurance Industry is controlled by the 50 states through State Insurance Commissioners. The Commissioners have complaint and consumer affairs offices where you can refer constituents. The McCarran* – Ferguson Act of 1945 is most often cited for why the insurance industry comes under state jurisdiction. We do not get involved in insurance matters, but do refer naturally to state reps. and senators.

To avoid confusion, health insurance provided through a federal law (Medicare for example) is still federal casework. Federal flood insurance is of course federal. Not hard to figure out that one!

*yep, the Las Vegas Airport is named after him.

10) Caseworker Specialization

Please note Senate casework shops due to their larger size can more easily specialize. As always, there are many systems, views, and opinions. We use a “hybrid” system. There is no issue specialization except for Immigration/Visa, SS/Medicare, and IRS cases. Due to high volumes, it makes sense to have one person handle those, and become an expert with long term relationships with LL staff. No specialization equals greater flexibility. If you have a specialization

oriented system, vacations, maternity leave, staff turnover is more difficult to manage in my view.

11) Non-Federal Referrals

A very good discussion of this can be found in the CRS report on Casework. As noted previously, good casework practice is to minimize the number of times you cannot give the constituent an alternative problem solving option. In some instances, the caseworker might want to become personally involved, and in essence, do non-federal casework. If you have a young mother with no food for her children, or some other basic human need, it is probably a very bad idea to say “well, we can only help you federal issues, so I can’t do anything for you.” The last thing she wants to hear is yet another “no.”

There are in most instances a wide variety of options available to get this mother immediate help. The casework shop can make the appropriate referrals, and follow through to make sure the issue was addressed. Obviously, in some circumstances, a caseworker should work to determine if the mother knows about the federal/state/local/non-profit/NGO programs, benefits, and services she’s eligible for.

Over the years I developed contacts at the local Community Action Program, food banks, shelters, churches, the Council of Churches, Salvation Army, United Way etc. so I almost always had someone to call for help. The key here is to take the Member on regular site visits to these organizations, and whenever you can help them, go all out to get to yes for them.

12) New Caseworker Integration

Bad news – you have lots to learn; good news – you have a vast support system ready to assist you. Most importantly, you have this superlative *Guide* to get advice from! If you’ve read (be honest) the entire document from the beginning to this point, you should have a fair sense of what you’ve gotten yourself into. Sorry to hear about you bombing on the LSAT. Hey, you can take it again. Cheer up. It is never bad to have a stint with a M.C. on your resume. It’d be better as an L.A. of course. Big Rent Seeking firms have no need for peon caseworkers.

Gotta love a system where you help write some crazy insanely complicated law, then get hired by a DC firm at 5x your staff (yeah, and committee staffers could stay in the FEHBP!) salary to explain said law to their well- heeled clients and how the law screws* their competitors; those stock options are looking real good now! Livin the dream!

Just remember that because your daddy plays cards with the Member every Friday night is not gonna be much use to you when you encounter your first seriously ticked off constituent. Also, I would suggest you check *Legistorm* to make sure the COS didn't low ball you on salary. It's somewhat doubtful because the COS is probably aware of the card playing thing, but if he did low ball you, I'd ask daddy to mention that to the Member Friday night. Ouch!

The COS is gonna love you..... No pun intended, but you have a nice card to play with your daddy and the Member being buds and all. **No one is gonna mess with you!** In fact, if you play your cards right (just couldn't resist) you'll be the COS within 12 months.

*good ol' crony capitalism, just a little more sophisticated than in Moldova, and the losers in the deal don't get "disappeared."

OK, let's be serious. A few thoughts, recognizing most of these are probably obvious:

- 1) If this is not explained, a part of your training (assuming you get trained), or in a guide or manual, you must inquire about that nebulous, ephemeral "Office Culture." Don't be stranded out there in "Never-Never Land." If the senior staff can't provide a clear, unambiguous, and straight-forward explanation of what is acceptable and not acceptable in providing constituents with bad news, or any news really; run, get out now. You absolutely deserve to know the parameters on this critical issue. When I started back in the Eisenhower Administration, it took me years to really figure that out. Not fun.

Yes, yes, this advice appeared earlier.

- 2) If the office has any formal caseworker training or maybe their own Guide, avail yourself asap.
- 3) Listen and watch how veteran caseworkers inter-act with constituents. Sit in on a few constituent/caseworker meetings if feasible. We have a combined total of 81 years of casework experience.
- 4) Find out if the office has a standard case development form. If yes.....
- 5) Using an office provided standard case form that lists everything needed, and by design forces you to follow a certain path in putting the case together is smart for new caseworkers. It also forces you into good habits from the very beginning. For example, the first step is – Are they a constituent; yes _____ or no _____? In other words, everything is there, you just have to select what

particulars are needed for this case. After the new caseworker becomes proficient and confident, they are not obligated to use the form any longer. The form is like training wheels. Our Director of Casework after almost 20 years still uses it! Must be pretty good! I designed it so it is superlative!

Note: If your office does not have one, you can develop it! If it's good, that would be some serious brownie points, or, it could back-fire because the DD now thinks you're sort of a cheeky little know it all! Thankfully, you'll always have that "My daddy plays cards with the Member" card to play! That is some good stuff.

- 6) If the office has a *Guide to Veteran's Benefit* booklet, or any other resource/reference materials, read them. Talk to the other caseworkers, pick their brains. They will be helpful I'm sure.
- 7) Be yourself. You're not doing brain surgery, but you are doing something very important. Remember that everyone in the office was new at some point, and had the same emotions you are having. If it was a "hostile take-over" aka, the previous Member lost in the Primary or General, and the entire staff is brand spanking new.....well good luck with that!!! Yes, constituents can acquire via their Member a flag that flew over the Capitol (for like one second). That is accurate. No, Members do not get their salary for life, unless they're 'ol Strom Thurmond. No, Members do not get free health care for life. There are no publically funded private jets for Members use.

And the BIG ONE -- "No sir, Congressman _____ cannot get you a ride on Air Force One with the President! No, not even without the President. No, not even the smaller plane in VEEP. No. No, No, No."

- 8) You're gonna have some real fun!
- 9) Attend the CRS sponsored new District/State staff seminar in DC. Most of those in attendance are there for the casework seminar. When I attended decades ago, it was the last thing on the last day. Wonder why?
- 10) If a term is used, and you don't understand it, ask for clarification. For instance, if a colleague says, "...call CMS," and you have no idea what CMS means, ask! Homework -- figure out what CMS is.

13) **Staff Attending Outside Meetings**

In general I do not think it is a good idea when the meeting is regarding a specific constituent's case. It's sort of like what legendary Ohio State football coach Woody Hayes* once said about the forward pass "...three things can

happen, and two of them are bad.” Again, and for the tenth time, never say never, but this action should be extremely rare. *(My computer is telling me that’s not a sentence; however, I’m ignoring it with a little micro-aggression that strikes back at the tyranny of technology!)*

*Ol’ Woody went just a little too far once and ran out onto the field and tripped an opposing player running for a potential touch-down! True story. End of Woody.

If you attend a meeting with a constituent(s) regarding a case, you are in my estimation escalating your “ownership” of the situation. Your attendance sends a pretty unambiguous message to the agency staff, regardless of any disclaimers you give, that there is something out of the ordinary going on. Some of the concerns expressed in the next paragraph apply to this scenario as well. A phone call, e-mail, or letter is one thing; your physical presence is quite a different one.

It is an especially **bad idea** if the meeting involves federal agency (enforcement) employees. **JUST SAY NO.** If staff attend, the issues are: (1) the meeting is less useful because everyone is very careful (very little is accomplished) what they say due to your presence, (2) an agency LL staffer is usually there to babysit you, (3) you can very easily be put on the spot by the constituent in a quasi-legal proceeding (BAD!), (4) an unrealistic expectation (as noted above, you are accepting more “ownership”), might be created with the constituent by your mere presence, (5) CRS, Ethics Committee, and the House Counsel’s office all **strongly advise** against doing this (remember, it takes one call or e-mail to get a letter where CRS, et.al. will take the heat), and (6) this might be the one time where your presence in my estimation could be counter-productive for the constituent. The agency staffers simply want to get through this meeting/conference, and by being there, you’re making their job much more difficult. So instead of cutting the fine by 50%, they cut it by 20%. Thanks for nothing.

Attending meetings regarding a big new road project, a bridge being repaired, the local Transportation Authority’s monthly meeting, a new pipe-line is being built or anything generic that has direct district impacts and a federal angle are of course A-OK, and for most Members; they want staff there! At least the smart ones do.

As a general rule, if the meeting is non-constituent specific (not casework), has a clear federal connection, pertains to the district, is not any type of formal due process, and will probably generate beaucoup good-will (and VOTES!) for “El-Hefe,” – GO! Plus you obtain those all-important POCs (get b-cards).

Example

Two very prominent local businessmen were considering bringing an exciting new green energy technology to the district. There was already an operating plant near Richmond, Virginia. There were numerous federal connections. The two gentlemen were flying down to visit the plant, and asked me to go along. After jumping through an insane (no hyperbole) number of hoops with Ethics, I was approved to go with them.

Postscript -- Less than a year later the plant went belly up, and ceased operation. Ouch.

Example

The state of Pennsylvania was having some serious issues with their Medicaid Consolidated Waiver (you don't want to know). There were several institutional constituents impacted by these problems, and I had several contacts in the State Department of Human Services. The Congressman was asked to set up a meeting with the Medicaid honcho in the US Department of Health and Human Service's (HHS) Federal Region Three offices in Philadelphia. I attended the meeting. For the record, I had no idea what they were talking about during the meeting.

CONCLUSION

I sincerely hope this *Guide* has been helpful to you. I'm repeating myself, but the goal was to provide you with practical, real world, and pragmatic information that is helpful from day one of your casework career. Only you can determine if I succeeded or not.

All joking aside, you really do have a great job, and never take it for granted.

Just remember, if you must take tax protestors seriously, and open a case – GET OUT...NOW!

