

Case study on law: agency discretion

[Law](#), [Criminal Justice](#)



As a fundamental of contemporary society, law is crucial in enabling society coexist and interact in an orderly manner. The case in study suggests a typical case scenario where an official happens to be related to a potential case defendant, abate on current bitter terms. This may be a reason for the official's procedure to prosecute the brother-in-law, bringing about the issue of discretion. It is present when an agency has two or more alternatives, to a given case, with regard to case proceedings and prosecution. In this case under study, it may hold true or not that the official's brother-in-law is crucial in terms of precedential value to various cases in the future. Under law, the agency official has the power of discretion, where he aims to achieve fairness in the conduct of investigations. Accordingly, he views his former brother-in-law as being a potential asset, with regard to future prosecutions. The prevailing court of case hearing has the standard of review in case scenarios where it thinks there is over-discretion, which often leads to arbitrariness. In case the official's brother-in-law felt he was being targeted unfairly, he could file a case regarding the same, where review would either prove unfair targeting or not. On the one hand, it could prove that the agency official was acting arbitrariness, or on the other that discretion was needed, especially due to the nature of potential future case hearings. SCUM's Civil Rights Violation claim is suitably expressed out of the unfavorable manner in which Ruth treats the entity. This is when the group seeks for a permit, to hold its annual Mother's Day meeting. Ruth, being personally offended by the group's stated manifesto, with regard to unwed mothers, has on various occasions acted in a biased manner to the same group. Being a city employee of the parks department, her discretion is

allowed with regard to the amount to be paid as fee permits. The range of permits from \$25 to \$100 therefore puts the 2007 application, after Ruth's prior refusal, within the acceptable range. However, it is her subsequent 2008 permit fee that was out of touch with reality, hence portraying a sort of individual arbitrariness. By insisting that the fee be pegged at \$10, 000, it is clear that Ruth indeed was unfair in her discretion. This results in SCUM suing Ruth in federal court, making a claim to its civil rights violation. Through the three part test, SCUM's legal representative, may prove Ruth's biased nature, regarding the aspects of Deprivation and Color of Law. This entails the plaintiff's establishment of: - the defendant's (Ruth) acting under 'color of law', thereby causing the plaintiff (SCUM) deprivation of its right of annual assembly, as provided for by the American Constitution. This is provable, as even the mayor had previously intervened, and yet the defendant did not change her attitude, even in her professional duty of public service.

Issue

The issue at hand pertains to a petitioner John Erhard breaking his leg while moving into his new residence, as provided by his employer (Broken O Ranch). This is before his first work shift, thereby providing reason for the respondent's denial of the petitioner's claim to worker compensation benefits. Due to his nature of being a new employee, he was thus not eligible for the aforementioned benefits especially as this covers only those actively engaged in some form of employment. Furtherance is whether he was eligible or not to attorney fees, costs and penalty, with regard to the suit at hand.

Analysis

The petitioner by way of not being an active employee by the time of the accident was therefore not legally entitled to official employer compensation. His injury, sustained during his relocation, was outside official cover, as he had yet to start work within the ranch. Due to that fact that he did not present vital documents for employer review and verification, in addition to partially filling out the Application for Employment form and not signing it, he thus was not officially an employee of the ranch.

Ruling

The ruling that was to follow, through its interpretation, presented the lack of official employment functionality and capacity, with regard to the claimant, Mr. Erhard. His First Report of Injury claim being denied, his seeking of legal interpretation provided for his claim's dismissal, based on the scope and course of his employment record. Due to the lack of completing the employment documentation in its entirety, as well as presenting the same to the ranch's management, Erhard did not fulfill the criteria for official employment. This thus provided reason for the insurer's refusal for compensation, as the claimant was not employed within the prevailing meanings of § 39-71-118, MCA.

Conclusion

In the end, three issues aforementioned were cited as being proof of the lack of Erhard's legality in seeking compensation. First is that Erhard as the claimant, was not entitled to any form of compensation, by way of accepting liability. Secondly, is that the ranch's insurer (Liberty), is not liable for the

payment of any form of benefits and bills. Lastly, is the fact that Erhard is therefore not entitled to any costs i. e. attorney fees, or even a penalty with regard to the case filing.

Personal opinion

In my opinion, the first two are attributable to the fact that he had not completed his registration/ paperwork in its entirety i. e. signing, thorough filling of all information, as well as handing the same to the ranch's management. Thus he was not legally an employee of the ranch, despite his presence within the farm's property. Regarding to the third issue, I am of the view that the reason primarily provided is effective, especially in regard to the prevailing contexts present. Erhard is not the prevailing party, and thus needs state input, through provision of a counsel.