

REQUEST FOR RECORDS DISPOSITION AUTHORITY		N1-47-10-4	
To NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD, COLLEGE PARK, MD 20740-6001		Date received 7-9-2010	
1 FROM Social Security Administration		NOTIFICATION TO AGENCY	
2 MAJOR SUBDIVISION Office of Publications and Logistics Management		In accordance with the provisions of 44 U S C 3303a, the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	
3 MINOR SUBDIVISION Office of Document Management, Center for Records Management			
4 NAME OF PERSON WITH WHOM TO CONFER Joyce Huber, SSA Records Officer	5 TELEPHONE NUMBER 410-965-5555 410-966-1704 (fax)	DATE 1 Oct 2012	ARCHIVIST OF THE UNITED STATES
<p>1 AGENCY CERTIFICATION</p> <p>I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>6</u> page(s) are not needed now for the business of this agency or will not be needed after the retention periods specified, and that written concurrence from the Government Accountability Office (GAO), under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,</p> <p><input checked="" type="checkbox"/> is not required <input type="checkbox"/> is attached <input type="checkbox"/> has been requested</p>			
DATE 7-8-10	SIGNATURE OF AGENCY REPRESENTATIVE 		TITLE Records Officer
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
	SEE ATTACHED SHEETS Social Security Administration, Office of General Counsel Records Office of Origin Office of the General Counsel 6401 Security Boulevard Room 617 Altmeyer Building Baltimore, Maryland 21235 Scheduling Authority: Social Security Administration Deputy Commissioner for Budget, Finance and Management Center for Records Management Joyce Huber, SSA Records Officer Room 1524 Annex Building 6401 Security Boulevard Baltimore, MD 21235-6401 410-597-1819	N1-47-96-3	

I. General Law Records

A. Negotiated Grievance Case Files

Files include documents accumulated in the filing and resolution of a grievance raised by a labor union. Included are investigative reports, filing form, management decisions, documentation related to an oral or written presentation, memoranda, hearing notice, transcripts, settlement, arbitrator's decision or award, and any other supporting documents.

Disposition: Temporary.

Destroy 6 years after case is closed.

B. Unfair Labor Practice Case Files

Cases filed by a union against SSA management regarding various issues such as promotion policies, leave policies, and appraisals. Included are memoranda outlining charges, acknowledgements, investigative reports, decision memoranda, and any other supporting documents.

Disposition: Temporary.

Destroy 6 years after case is closed.

C. Unemployment Case Files

Case files may contain a notice of unemployment, correspondence, hearing notice, transcript, and decision. If appealed, the file may contain notice of appeal, motion to intervene, pleadings, transcript and decision, and any other supporting documents.

Disposition: Temporary.

Destroy 6 years after case is closed or final adjudication by a court.

D. Office of Special Counsel (OSC) Investigations

Case files that are maintained by the agency as the result of an OSC investigation related to such matters as allegations of prohibited personnel practices or Hatch Act violations. Documents include requests for production of documents by OSC, agency responses to discovery, interview notes, correspondence, recommended actions, personnel actions, and any other supporting documents.

Disposition: Temporary.

Destroy 6 years after investigation ends or after the agency has taken all action ordered by the Office of the Special Counsel.

E. Representative Sanctions Case Files

Case files may include allegation of misconduct, correspondence, appointment of representation form, fee agreement, inquiry letters, response, complaint, notice of appearance, answer, request for hearing, hearing notice, pre-hearing and post-hearing submissions, request for Appeals Council review, briefs, Appeals Council decision, settlement, reinstatement requests, correspondence, decision, and any other supporting documents.

- 1 For cases in which the agency receives an allegation of misconduct but determines that the representative did not violate SSA's Rules of Conduct and Standards of Responsibility

Disposition: Temporary.

Destroy two years after investigation ends.

- 2 All other cases

Disposition: Temporary.

Destroy 25 years after closure.

F. General Law Legal Advice Files

Legal advice issued by attorneys to the agency regarding various general law legal issues such as budget, appropriations, contracts, procurement, personnel, FOIA, Privacy Act, Computer Matching, bankruptcy, garnishment, and guardianship. Included are legal opinions, memorandums, comments, mark-ups, and related documents.

Disposition: Temporary.

Maintain in OGC for 20 years after date of advice and then destroy.

G. Federal Tort Claims Act (FTCA)

Files contain records relating to claims for damage to or loss of property or personal injury or death. Military Personnel and Civilian Employees' Claims Act (MPCECA) files contain records relating to claims for damage to or loss of property. Included in FTCA and MPCECA files may be claim forms, proofs of ownership, correspondence, itemized bills, statements, estimates, insurance policies, medical reports, employment records, authorizations to act, police and accident reports, and similar papers. If a civil action is filed, the file may contain pleadings, answers, motions, exhibits, transcripts, orders, decision, and any other supporting documents.

- 1 Claims in which no civil action is filed

Disposition: Temporary.

Destroy 2 years after claim is denied, granted, or transferred to another federal agency.

- 2 Claims in which a civil action is filed

Disposition: Temporary.

Destroy 2 years after the court resolves the litigation.

- 3 If a claim is not perfected

Disposition: Temporary.

Destroy 3 years after date of the incident that could give rise to a claim under FTCA or MPCECA.

H. Civil Rights Complaints

Files consist of civil rights complaints and any attachments, investigation, witness statements, recommendation, appeal, correspondence, exhibits, decision letter, and any other supporting documents

Disposition: Temporary.

Destroy 6 years after final agency decision.

I. Salary Overpayments

Files include request for waiver of salary overpayments, investigation, personnel records, recommendation, and final decision on approval or denial of waiver. If a hearing is requested on the validity of the debt, the file may contain a hearing notice, briefs, correspondence, exhibits, transcript, decision, and any other supporting documents

1 Approved Waivers

Disposition: Temporary.

Destroy 6 years after the close of the fiscal year in which the agency approves the waiver.

2 Denied Waivers

Disposition: Temporary.

Destroy 6 years after the close of the fiscal year in which the agency denies the waiver.

3 Hearing case files

Disposition: Temporary.

Destroy 6 years after hearing decision is issued or after the debt has been collected.

J. Touhy Requests

Files consist of application for request for employee testimony, background, recommendation, decision, and related correspondence. If a civil action is filed, the file may contain pleadings, answers, motions, exhibits and any other supporting documents

Disposition: Temporary.

Destroy 6 years after a final agency action on the application for testimony. If a civil action is filed, destroy 2 years after final adjudication by a court.

K. Subpoenas

Subpoenas issued by courts, attorneys, or clerks of courts that are served by mail or in person on an SSA employee or in an SSA office or facility requesting information from employees' or claimants' records. The file includes a copy of the subpoena and related correspondence, including a copy of the letter to the employee or claimant if the records were released without consent, and any other supporting documents. If a civil action is filed, the file may contain pleadings, answers, motions, exhibits and any other documents related to the litigation

Disposition: Temporary.

Destroy 6 years after resolution of the matter. If a civil action is filed, destroy 2 years after final adjudication by a court.

L. General Litigation Files

Case files related to general litigation filed against SSA, its employees, or the United States. These records include litigation such as *qui tam*, FOIA, Privacy Act, bankruptcy, garnishment, guardianship actions, appeals of administrative personnel actions (i.e., MSPB, FLRA, or arbitrations), or any other miscellaneous litigation not specified in another category of records. The file may contain pleadings, answers, motions, exhibits, correspondence, settlements, and any other supporting documents.

Disposition: Temporary.

Destroy 6 years after final adjudication by a court.

M. Civil Monetary Penalties

Files include decision memoranda, correspondence, Departmental Appeals Board recommended decisions, and modified decisions. If appealed, files may also include pleadings, injunctions, motions, and any other supporting documents.

Disposition: Temporary.

Destroy 6 years after a final agency decision, or if a civil action is filed, destroy 6 years after final adjudication by a court.

N. Reasonable Accommodation Requests from Members of the Public

Files consist of reasonable accommodation requests made pursuant to 45 C.F.R. section 85.51, development (such as correspondence, notes, exhibits, and other supporting documents), recommendations, and agency determinations on requests.

Disposition: Temporary.

Destroy 6 years after agency determination.

II. Program Law Records

A. Program Legal Advice Files

1. Precedent-Setting Opinions

Records that document the legal analyses and opinions of OGC attorneys that are selected by OGC officials as far-reaching or precedent-setting opinions, views, or communications. Included are background materials necessary to understanding the development of precedents.

Disposition: Permanent.

Paper files to be transferred to NARA in 5 year blocks, when most recent file is 30 years old. Electronic records to be transferred to NARA when 30 years old; pre-accessioning is authorized at 5 years old.

2 All-other Program Legal Advice Files

Includes non-precedent setting files (result from opinions based on the routine application of known, pre-existing rules, regulations and statutes), draft legislation files, public law files, administrative hearing files, etc

Disposition: Temporary.

Cut off subject code file 10 years after the date of the last record filed under the subject code. Destroy 20 years later.

B. Program Litigation Case Files

Records of Federal court filings and correspondence Included are civil actions filed against SSA for an award of benefits or other relief under Titles II, VIII, XVI and XVIII of the Social Security Act, overpayment recovery and other actions brought by SSA under those authorities, civil actions filed against SSA for relief under the Coal Act, and Court of Appeals, Supreme Court, or settlement activity in connection with any of the foregoing

Disposition: Temporary.

Cut off files 1 year after the final court decision on the matter. In a class action case, cut off files 1 year after completion of class action relief or an earlier date as determined to be appropriate. Destroy 10 years after cutoff.

C. e-FOIA System

This is a web-based Intranet/Internet workflow management system that uses imaging, redaction, e-mail, and the Internet to retrieve and disseminate information The system is used to process, track, and control Freedom of Information Act (FOIA) requests In addition, members of the public are able to make and, where appropriate, pay for FOIA requests online by credit card via SSA's Internet site The system also provides extensive management information reports

1 Records of denials (including partial denials)

Disposition: Temporary.

Maintain for 6 years and then destroy.

2 Responses granting access to records

Disposition: Temporary.

Maintain in eFOIA for 2 years and then destroy.

D. National Docketing Management Information System (NDMIS)

Management information system that tracks OGC assignments (date opened, date closed, amount of time to respond), workloads, dockets court cases and outcomes (including legal advice, opinions, and legal decisions)

Disposition: Temporary.

Destroy 25 years after entry is closed.

E. Monthly Activity Report (MAR)

This record maintains descriptions of the status of legal work performed by this office

Disposition: Temporary.

Destroy 10 years after date of entry.