Request for Records Disposition Authority

Records Schedule Number	DAA-0180-2015-0001
Schedule Status	Approved
Agency or Establishment	Commodity Futures Trading Commission
Record Group / Scheduling Group	Records of the Commodity Futures Trading Commission
Records Schedule applies to	Agency-wide
Schedule Subject	Selected Office of Proceedings Records
Internal agency concurrences will be provided	No

Background Information

The Office of Proceedings administers the Commodity Futures Trading Commission's Reparations program, adjudication of Enforcement cases and Administrative Wage Garnishment actions.

The Reparations program provides an inexpensive, expeditious forum for resolving disputes between futures customers and futures trading professionals. 17 CFR Part 12 governs the Reparations program. Since 2000, the Reparations program has averaged 70 cases per year. Common reparations claims include: fraud (cheating customers through false claims of profit or loss from trading); breach of fiduciary duty (failure to handle a customer account with the degree of care required by the Commodity Exchange Act or CFTC rules); unauthorized trading (trades made by a broker without customer authorization); misappropriation (a broker's unauthorized use or diversion of money that a customer deposited for the purpose of trading futures and options); churning (excessive trading of a customer account for the purpose of producing commissions and without regard for the customer's financial interests); wrongful liquidation (the unauthorized closing of a customer's position); and nondisclosure (failure to inform the customer of risks associated with futures and options trading and failure to disclose other material facts that a customer needs to make decisions about futures and options).

The Office of Proceedings is responsible for the adjudication of Enforcement and actions received and prosecuted by the Commission's Division of Enforcement. These actions include, among other things, the denial, suspension, revocation, conditioning, restricting or modifying of registration as a futures commission merchant, retail foreign exchange dealer, introducing broker, or associated person, floor broker, floor trader, commodity pool operator, commodity trading advisor or leverage transaction merchant pursuant

to the Commodity Exchange Act, 7 U.S.C. 8, sections 6(c), 8a(2), 8a(3), 8a(4), and 8a(11).

The Office of Proceedings administers the Administrative Wage Garnishment actions pursuant to 17 CFR Part 143.10. These proceedings are initiated when an individual owes the United States a delinquent non-tax debt arising from activities under the Commission's jurisdiction. The Commission or another federal agency collecting the debt on behalf of the Commission, may initiate administrative proceedings to garnish the disposable income of the delinquent debtor in accordance with the requirements of and the procedures set forth in 31 CFR Part 285.11. The debtor may file a hearing request and the Presiding Official in the Office of Proceedings will conduct a hearing if necessary and issues a written decision within 60 days of the Commission's receipt of the request.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
5	0	5	0

GAO Approval

Outline of Records Schedule Items for DAA-0180-2015-0001

Sequence Number	
1	Reparations Program Inquiry Files Disposition Authority Number: DAA-0180-2015-0001-0001
2	Reparations Complaint Files Disposition Authority Number: DAA-0180-2015-0001-0002
3	Docket File Tracking Systems Disposition Authority Number: DAA-0180-2015-0001-0003
4	Administrative Wage Garnishment Case Files Disposition Authority Number: DAA-0180-2015-0001-0004
5	Presiding Official Working Files Disposition Authority Number: DAA-0180-2015-0001-0005

Records Schedule Items

Sequence Number	

1

Reparations Program Inquiry Files

Disposition Authority Number   DAA-0180-2015-0001-0001

Records document inquiries received and response about the Reparations program. Records include but are not limited to responses to letters requesting information on the Reparations program; the short form recording reparations complaint information; and correspondence regarding complaints received against non-registrants.

Final Disposition	Temporary
Item Status	Active
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No

Manual Citation	Manual Title
Record Code 425	Reparations Program Inquiry Files

GRS or Superseded Authority Citation   N1-180-00-1 Item 405 (partial)

Disposition Instruction

Cutoff Instruction	Close file after 1 year. Cut off files at the end of the FY in which the files were closed.
Retention Period	Destroy 3 year(s) after end of the FY in which the files were closed.

Additional Information

GAO Approval	Not Required

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Reparations Complaint Files

Disposition Authority Number   DAA-0180-2015-0001-0002

Original case files of Reparations cases closed in the Complaint section. Records include complaints that are not within Reparations program jurisdiction, deficient complaints in which complainants did not correct the deficiencies, and complaints settled or terminated in the Complaint section.

Final Disposition	Temporary

Item Status	Active
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No

Manual Citation	Manual Title
Record Code 426	Reparations Complaint Files

GRS or Superseded Authority Citation	N1-180-00-1 Item 409

Disposition Instruction

Cutoff Instruction	Close file when case is closed. Cut off files at the end of the FY in which the files were closed.
Transfer to Inactive Storage	If desired, transfer to offsite storage 3 years after cutoff.
Retention Period	Destroy 15 year(s) after the end of the FY in which the files were closed.

Additional Information

GAO Approval	Not Required

Docket File Tracking Systems

Disposition Authority Number	DAA-0180-2015-0001-0003

Records consist of many different docket file tracking systems that have been used over the years in the Office of Proceedings, including but not limited to the Administrative Enforcement Case Tracking System (AECTS), the Reparations Case Tracking System (RepCase), CFTC Docs II, and starting in FY10 and beyond, summary information maintained in Practice Manager.

Final Disposition	Temporary
Item Status	Active
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
Do any of the records covered by this item exist as structured electronic data?	Yes

Manual Citation	Manual Title
Record Code 427	Docket File Tracking Systems

Disposition Instruction

Retention Period   Destroy when no longer needed for business.

Additional Information

GAO Approval   Not Required

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Administrative Wage Garnishment Case Files

Disposition Authority Number   DAA-0180-2015-0001-0004

Records consist of hearing requests, supporting documentation and evidence from the debtor and any information required by the Presiding Official to establish the Commission's right to collect a delinquent debt through administrative wage garnishment. Records may include but are not limited to: hearing requests; court documents and letters; requests for Extensions of Time; copies of cancelled checks and receipts, transcripts of the hearing; procedural orders, notices and rulings; and decisions.

Final Disposition   Temporary

Item Status   Active

Is this item media neutral?   Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?   No

Manual Citation	Manual Title
Record Code 428	Administrative Wage Garnishment Case Files

Disposition Instruction

Cutoff Instruction   Close docket file when case is closed. Cut off at the end of the FY in which the docket file is closed.

Transfer to Inactive Storage   If desired, transfer to offsite storage 3 years after cutoff.

Retention Period   Destroy 15 year(s) after the end of the FY in which the docket file is closed.

Additional Information

GAO Approval	Not Required

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Presiding Official Working Files

Disposition Authority Number   DAA-0180-2015-0001-0005

Records and other information generated while cases are pending before Presiding Officials not included in the docket files.

Final Disposition	Temporary
Item Status	Active
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No

Manual Citation	Manual Title
Record Code 429	Presiding Official Working Files

Disposition Instruction

Cutoff Instruction	Cut off file upon issuance of Presiding Official's final disposition.
Retention Period	Destroy when no longer needed for the case or reference.

Additional Information

GAO Approval	Not Required

Agency Certification

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 in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

Date	Action	By	Title	Organization
03/09/2015	Certify	Crystal Zeh	Records Management Officer	Office of the Executive Director - Executive Secretariat Branch
12/02/2015	Submit for Concurrence	Elizabeth Greenberg-Taubel	Appraisal Archivist	National Archives and Records Administration - Records Management Services
12/07/2015	Concur	Laurence Brewer	Director, National Records Management Program	National Archives and Records Administration - National Records Management Program
12/07/2015	Concur	Laurence Brewer	Director, National Records Management Program	National Archives and Records Administration - National Records Management Program
12/09/2015	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist