

# GRS 6.3

## Legal Records

This file contains three documents. The draft schedule describes the records proposed for inclusion in this new GRS. The appraisal memorandum provides additional background explanation and includes the appraiser’s justification for the retention decisions proposed in the schedule. The crosswalk matches authorities in the draft schedule with current GRS authorities.

This schedule has not yet been entered into the Electronic Records Archives, pending finalization through agency and stakeholder review.

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National Archives and Records Administration  
Office of the Chief Records Officer  
GRS Team  
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## GENERAL RECORDS SCHEDULE 6.3: Legal Records

This schedule covers records related to legal records, specifically administrative claims files. Congress passed the Federal Tort Claims Act in 1946 and similar legislation in the years following to waive sovereign immunity in certain conditions and allow people to sue the Federal government.

Item	Records Description	Disposition Instruction	Disposition Authority
010	<p><b>Claims <i>Against</i> the United States.</b> Records related to claims for monies against the United States that have been completed or closed administratively by 1) being disallowed in full; or 2) allowed in full or in part; or 3) and final payment of the full amount awarded.</p> <p><b>Supersedes:</b>            GRS 6, item 10a (N1-GRS-87-13, item 1a)            GRS 6, item 10c (N1-GRS-87-13, item 1c) – in part</p> <p><b>Legal Citation:</b> 28 U.S.C. 2401</p>	<p><b>Temporary.</b>            Destroy 6 years after claim has been completed, closed, or disallowed, or when court order has been lifted, whichever is later.</p>	DAA-GRS-2015-XXXX-0001
011	<p><b>Claims <i>by</i> the United States subject to the Federal Claims Collection Standards.</b> Records relating to claims for money or property that were administratively determined to be due and owed to the United States and that are subject to the Federal Claims Collection Standards.</p> <p>Includes:</p> <ul style="list-style-type: none"> <li>• claims that were paid in full or by means of a compromise agreement,</li> <li>• claims where collection action has been terminated,</li> <li>• claims that the agency administratively determines were not owed to the United States after collection activity was initiated.</li> <li>• approved or denied waivers of claims by the United States against a person arising out of an erroneous payment of pay, travel or relocation expenses to an civilian federal employee, a member or</li> </ul>	<p><b>Temporary.</b>            Destroy 7years after claim is completed, waived, closed, or found not owed, or when court order is lifted, whichever is later.</p>	DAA-GRS-2015-XXXX-0002

Item	Records Description	Disposition Instruction	Disposition Authority
	<p>former member of the uniformed services or the National Guard.</p> <p><b>Note:</b> Claims by the United States that have not been completed, closed, or administratively determined not to be owed, or where collection activity has not been initiated by the agency or other third-parties, are active records and need to be retained until a final action has occurred.</p> <p><b>Supersedes:</b>            GRS 6, item 10b1 (N1-GRS-87-13, items 1b1)            GRS 6, item 10b2a (N1-GRS-87-13, item 1b2a)            GRS 6, item 10b2b (N1-GRS-87-13, item 1b2b)            GRS 6, item 10b3 (N1-GRS-87-13, item 1b3)            GRS 6, item 10c (N1-GRS-87-13, items 1c) – in part            GRS 6, item 11a (N1-GRS-88-1, item 1a)            GRS 6, item 11b (N1-GRS-88-1, item 1b)</p> <p><b>Legal Citation:</b> 31 CFR 900-904, 28 U.S.C. 2415(a), 31 U.S.C. 3716(c), 31 U.S.C. 3716(e)</p>		



**Date:** October 15, 2015  
**Appraiser:** Addie M. Compton  
**Agency:** General Records Schedule (GRS)  
**Subject:** DAA-GRS-2016-XXXX

## INTRODUCTION

### Schedule Overview

GRS 6.3: Administrative Claims Records

### Additional Background Information

This schedule provides disposal authorization for administrative claims against and by the United States. The schedule revises current GRS items, namely GRS 6, items 10 (N1-GRS-87-13, items 1a through 1c) and GRS 6, item 11 (N1-GRS-88-1, items 1a through 1b).

NARA is developing this schedule with assistance from the Treasury Department. The Department of Justice and GAO have also been asked for feedback.

### Overall Recommendation

I recommend approval of the attached schedule.

### Item 0001 (GRS 6.3, item 010): Claims Against the United States

These records comprise monetary claims brought against the Federal government.

**Proposed Disposition:** Temporary

**Appropriateness of Proposed Disposition:** Appropriate.

#### **Appraisal Justification:**

- \* Previously approved as temporary. GRS 6, item 10a (N1-GRS-87-13, item 1a), and GRS 6, item 10c (N1-GRS-87-13, item 1c in part)
- \* Has little to no research value. Records are administrative in nature.

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. The previous retention was 6 years and 3 months. The current best practice for handling legal or audit records with a statute of limitation or similar restriction to bring an action is to track disposition to that exact limitation, in this case 6 years. Please note that the disposition instructions now include disposition when a court order is lifted (and if 6 years have passed). The prior disposition separated this into a distinct item (GRS 6, item 10c, N1-GRS-87-13, item 1c). This action triggering disposition is now in the disposition instructions for items 0001 and 0002.

**Media Neutrality:** Approved.

**Item 0002 (GRS 6.3, item 011): Claims by the United States Subject to the Federal Claims Collection Standards**

These records are comprised of claims brought by the United States. The statute of limitations changed for these records from 10 years to essentially the death of the debtor. As a result, the records retention begins when they are closed, completed, waived or otherwise terminated. It is no longer tied to a specific timeframe as was the case previously. In addition, this item incorporates waivers of claims by the United States, previously scheduled as GRS 6, item 11a and 11b (N1-GRS-88-1, item 1a and 1b). These records are bucketed with Claims by the United States in an effort to streamline retention of these similar files.

**Proposed Disposition:** Temporary.

**Appropriateness of Proposed Disposition:** Appropriate.

**Appraisal Justification:**

- \* Previously approved as temporary. GRS 6, items 10b1, 10b2a, 10b2b, 10b3, 10c (N1-GRS-87-13, items 1b1-1b3, and item 1c in part), GRS 6, items 11a and 11b (N1-GRS-88-1, items 1a and 1b).

- \* Has little to no research value. Records are administrative in nature.

**Adequacy of Proposed Retention Period:** Adequate from the standpoint of legal rights and accountability. Claims that are in process or not started claims are active, and need to be retained, until they are resolved. While this does not differ from how agencies should treat active records in general, it is specific enough of a change from prior handling of these records to explicitly note. A baseline seven-year retention for the preservation of temporary claims records is appropriate. This should provide for the adequate defense of the Federal Government in litigation, potential audits or similar events.

**Media Neutrality:** Approved.

ADDIE MAY COMPTON  
Appraiser

**GRS 6.3: Legal Records Crosswalk**

New GRS				Old GRS			
GRS No.	Item No.	Retention	ERA Number/ Disposition Authority	GRS No.	Item No.	Retention	Disposition Authority
6.3	10	6 years	DAA-GRS-2016-00XX-0001	6	10a	6 years, 3 months	N1-GRS-87-13, item 1a
				6	10c	When court order is lifted, litigation concluded, or when 6 years, 3 months old, whichever is later	N1-GRS-87-13, item 1c in part
6.3	11	10 years	DAA-GRS-2016-00XX-0002	6	10b1	6 years, 3 months	N1-GRS-87-13, item 1b1
				6	10b2a	10 years, 3 months	N1-GRS-87-13, item 1b2a
				6	10b2b	3 months	N1-GRS-87-13, item 1b2b
				6	10b3	6 years, 3 months	N1-GRS-87-13, item 1b3
				6	10c	When court order is lifted, litigation concluded, or when 6 years, 3 months old, whichever is later	N1-GRS-87-13, item 1c in part
				6	11a	6 years, 3 months	N1-GRS-88-1, item 1a
				6	11b	Destroy with related claims	N1-GRS-88-1, item 1b