

INACTIVE - ALL ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: NC1-016-78-05

All items in this schedule are inactive. Items are either obsolete or have been superseded by newer NARA approved records schedules.

Description:

Items 1a-c are superseded by nc1-016-79-03, item 1a-d.

Item 2 is superseded by nc1-016-79-03, item 2.

Item 4 is superseded by nc1-016-79-03, item 3.

Item 3 is superseded by nc1-016-79-03, item 4.

Item 5 is superseded by nc1-016-79-03, item 5.

Item 6 is superseded by nc1-016-79-03, item 6.

Date Reported: 9/22/2021

INACTIVE - ALL ITEMS SUPERSEDED OR OBSOLETE

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

| | |
|---|--------------------------------|
| LEAVE BLANK | |
| JOB NO | |
| NC1 16 78 5 | |
| DATE RECEIVED | |
| 15 MAY 1978 | |
| NOTIFICATION TO AGENCY | |
| In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10 | |
| 5-26-78 | <i>James B. Rhoads</i> |
| Date | Archivist of the United States |

TO GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

1. FROM (AGENCY OR ESTABLISHMENT)
United States Department of Agriculture

2. MAJOR SUBDIVISION
Office of Administrative Law Judges

3. MINOR SUBDIVISION
Hearing Clerk's Unit

4. NAME OF PERSON WITH WHOM TO CONFER
Audrey W. Gearhart, Hearing Clerk

5. TEL EXT.
447-4443

6. CERTIFICATE OF AGENCY REPRESENTATIVE

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 4 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

A Request for immediate disposal.

B Request for disposal after a specified period of time or request for permanent retention *Henry A. Arnold, Records Management Office, 5-10-78*

| | | |
|---------|---------------------------------------|--------------------------------|
| C. DATE | D. SIGNATURE OF AGENCY REPRESENTATIVE | E. TITLE |
| 4-21-78 | <i>John A. Campbell</i> | Chief Administrative Law Judge |

| 7. ITEM NO. | 8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods) | 9. SAMPLE OR JOB NO | 10. ACTION TAKEN |
|-------------|--|---------------------|------------------|
| | <p>Records created and maintained by the Office of the Hearing Clerk, who is charged with the responsibility to receive, file and acknowledge receipt of complaints, petitions, answers, briefs, arguments, and other documents that may be submitted to the Secretary of Agriculture with respect to quasi-judicial, quasi-legislative and other administrative proceedings under any act, statute, order, regulation, or directive issued pursuant thereto that are administered by the Department of Agriculture.</p> <p>This comprehensive records disposition schedule covers all adjudicatory, reparation and rulemaking case records maintained by the Office of the Administrative Law Judges, Hearing Clerk Unit, USDA, and supersedes II NNA 1181.</p> <p>The case files are arranged numerically by docket number. This schedule includes but is not limited to dockets from the following Acts:</p> <ul style="list-style-type: none"> (1) Packers and Stockyard Act (2) Perishable Agricultural Commodities Act (3) Agricultural Marketing Agreement Act of 1937, as amended | | <i>9 items</i> |

115-107
*Sent to agency. NCA & NNA - 5/30/78
NINB - 6/2/78*

REQUEST FOR AUTHORITY TO DISPOSE OF RECORDS—Continuation Sheet

| 7. ITEM NO. | 8. DESCRIPTION OF ITEM (WITH INCLUSIVE DATES OR RETENTION PERIODS) | 9. SAMPLE OR JOB NO. | 10. ACTION TAKEN |
|----------------|---|--|---------------------|
| | (4) Animal Welfare Act (5) Federal Seed Act (6) Animal Quarantine & Related Laws (7) Civil Rights Act (8) Horse Protection Act (9) Federal Meat and Poultry Product Inspection Act (10) United States Grain Standards Act (11) Virus-Serum-Toxin Act (12) United States Warehouse Act (13) Egg Products Inspection Act (14) Agricultural Marketing Act of 1946 (15) Cotton Research & Promotion Act (16) Beef Research & Information Act (17) Egg Research & Promotion Act (18) Potato Research & Promotion Act (19) Other Statutes which require rulemaking and/or adjudicatory procedure to be in compliance with the Administrative Procedure Act. | | |
| 1 | <p><u>ALL ADJUDICATORY</u> case records under the various Acts administered by the USDA which require or utilize procedure in accordance with the Administrative Procedure Act (5 USC 551 et seq.).</p> <p>Arranged numerically under each Act. All case files consisting of complaint, answer, hearing record including exhibits, briefs, Administrative Law Judge decision, appeal, Judicial Officer's decision, service letters with certified receipt card (proof of service) motions, extension of time and supplemental orders, and essential related correspondence.</p> <p>Transfer to FARC 3 years after final USDA or court decision or later if needed in Hearing Clerk's Office. (Retain in Hearing Clerk's office until transfer to FARC.)</p> <p>a. Cease & desist orders: Destroy when order is no longer in effect.</p> <p>b. Civil Penalties: Destroy one year after judgment is paid.</p> <p>c. Revocation or suspension of licenses: Destroy one year after revocation or suspension periods ends.</p> | <p><i>INNA</i> <i>1181 (8-53)</i></p> | |

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|----------------|---|-------------------------------|---------------------|
| 2 | <p>ALL REPARATION case records under the Packers and Stockyards Act and Perishable Agricultural Commodities Act administered by the USDA.</p> <p>Arranged numerically under each Act. All case files consisting of complaint, report of investigation, answer, counter complaint, answer to counter complaint, Shortened Procedure papers, hearing, briefs, orders, petitions, final decision, and essential related correspondence.</p> <p>RETENTION: Transfer to FARC 2 years after case is closed.</p> <p>Destroy 5 years after case is closed.</p> | <p>II NNA 1181 (8-53)</p> | |
| 3. | <p>RULEMAKING - Records which document activities in formal proceedings related to marketing agreements and orders under the Agricultural Marketing Agreement Act of 1937, as amended.</p> <p>All record files consist of notice of hearing, including changes in time, dates, postponement, and reopening of hearings, hearing transcripts and briefs; recommended decision, including exceptions and extensions of time for filing exceptions; comments, Secretary's Decisions, Referendum Orders, final orders; Suspension of Program, Termination of Program; and essential related correspondence.</p> <p>Retain record and/or amendment files relating to each individual program in the Hearing Clerk office after Secretary's decision for a period of at least three years or longer as warranted.</p> <p>a. Dockets relating to substantive rules that attracted great public or industry attention and response, signified an advance in technology, had a significant impact on industry or agriculture, or signified a major development in the history of the Department, as selected by the Office of the General Counsel.</p> <p>PERMANENT. Transfer to FARC 3 years after rule is inactive. Offer to NARS 10 years after rule inactive.</p> <p>b. Unselected dockets: Transfer to FARC 3 years</p> | <p>II NNA 1181 (29)</p> | |

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| 4. | <p>after rule is inactive. Destroy 5 years after rule is inactive.</p> <p><u>RATE CASES</u> (Rule making proceedings under the Administrative Procedure Act (5 USC 551 et seq.)).</p> <p>Arranged numerically under Packers and Stockyards Act. All case files contain complaint, notice of hearing and order of suspension, motion for hearing; hearing; briefs, Administrative Law Judge decision, appeal, Judicial Officer decision; and essential related correspondence.</p> <p>Retain in Hearing Clerk office for as long as the order is in effect.</p> <p>Transfer to FARC after order is vacated. Destroy 5 years after basic order is vacated.</p> | II NNA 1181 (22) | |
| 5. | <p><u>Docket Sheets and other indexes.</u></p> <p>Provides a listing of all paper transactions in a case. Record cards, index cards and other work documents.</p> <p>Destroy when no longer needed for reference.</p> | | |
| 6. | <p><u>Certification File.</u></p> <p>Requests for certification.</p> <p>Destroy when no longer needed for reference.</p> | | |