

Head NCI 23 Jul 1979

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

| | |
|---|---|
| LEAVE BLANK | |
| JOB NO | NC1-16-79-3 |
| DATE RECEIVED | July 23, 1979 |
| 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disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10 | |
| JUL 30 1979 | <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 Gearhart, Hearing Clerk
Cherie Cozin, Mgmt. Analyst

5. TEL. EXT.
447-4443
447-9270

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 6 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.

| | | |
|--------------------|--|--|
| C. DATE 7-16-79 | D. SIGNATURE OF AGENCY REPRESENTATIVE <i>Henry A. Arnold</i> Henry A. Arnold | E. TITLE RECORDS OFFICER, U.S. DEPT. OF AGRICULTURE |
|--------------------|--|--|

| 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, U.S.D.A., and supersedes NC1-16-78-5.</p> <p>The case files are arranged numerically by docket number. This schedule includes, but is not limited to dockets from the various Acts listed;</p> <ol style="list-style-type: none"> 1. Packers and Stockyard Act (Titles II and III) 2. Perishable Agricultural Commodities Act 3. Agricultural Marketing Agreement Act of 1937, as amended | | 12 items |

sent to new, NRS, NAF, new Agency
MA 8-2-79

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 |
|----------------|--|--|---------------------|
| 1. | <p>4. Animal Welfare Act 5. Federal Seed Act 6. Animal Quarantine and 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 and Promotion Act 16. Beef Research and Information Act 17. Egg Research and Promotion Act 18. Potato Research and Promotion Act 19. Wheat Research 20. Other Statutes which require rulemaking and/or adjudicatory procedure to be in compliance with the Administrative Procedure Act.</p> <p><u>ALL ADJUDICATORY</u> case records under the various Acts (1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12 and other Statutes which require rulemaking and/or adjudicatory procedure to be used in compliance with the Administrative Procedure Act (5 USC 551 et seq.), administered by the United States Department of Agriculture.</p> <p>a. Packers & Stockyards Act (Title II (Packers) (Title III (Stockyards, Marketing Agency and Dealers):</p> <p>Arranged numerically by Act. All case files consisting of complaint(s), Administrative Law Judge and/or Judicial Officer's decision(s), service letters with certified receipt card(s) (proof of service), supplemental order(s) and essential related correspondence.</p> <p>CEASE AND DESIST ORDERS, AND/OR CIVIL PENALTIES AND/OR REVOCATION OR SUSPENSION OF LICENSES.</p> <p>Transfer to FARC 5 years after final USDA or court decision or later, if needed, in the Hearing Clerk's Unit (retain in Hearing Clerk's Unit until transfer to FARC).</p> | <p><i>NCI-16-78-5 (12, 6, etc)</i></p> | |

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 |
|----------------|---|----------------------------|---------------------|
| 1. cont. | <p><i>Destroy 25 years after final USDA or court decision.</i> To be destroyed 25 years after date of order. SC 7-24-79</p> <p>b. Perishable Agricultural Commodities Act.</p> <p>Arranged numerically under each Act. All case files consisting of complaint(s), answer, hearing record including exhibits, briefs, Administrative Law Judge decision, appeal, Judicial Officer's decision(s), 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 U.S.D.A. or court decision or later if needed in Hearing Clerk's Unit (Retain in Hearing Clerk's Unit until transfer to FARC). <i>Destroy 10 years after final USDA or court decision.</i> Destroy when 10 years old. SC 7-24-79</p> <p>c. Animal Welfare Act and Horse Protection Act.</p> <p>Arranged numerically by Act. All case files consisting of complaint(s), Administrative Law Judge and/or Judicial Officer's decision(s), service letters with certified receipt card(s) (proof of service), supplemental order(s) and essential related correspondence.</p> <p>CEASE AND DESIST ORDERS, AND/OR CIVIL PENALTIES AND/OR REVOCATION OR SUSPENSION OF LICENSES.</p> <p>Transfer to FARC 5 years after final USDA or court decision or later, if needed, in the Hearing Clerk's Unit (retain in Hearing Clerk's Unit until transfer to FARC). <i>Destroy 25 years after final USDA or court decision.</i> To be destroyed 25 years after date of order. SC 7-24-79</p> | 25 cu. feet per year | |
| | | 25 cu/ feet per year | |
| | | 1 cu. feet per year | |

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 |
|----------------|--|-----------------------------------|---|
| 1. cont. | <p>d. Federal Seed Act Animal Quarantine and related laws Civil Rights Federal Meat & Poultry Product Inspection Act U.S. Grain Standards Act U.S. Warehouse Act Virus-Serum-Toxin Act</p> <p>Arranged numerically under each Act. All case files consisting of complaint(s), answer, hearing record including exhibits, briefs, Administrative Law Judge decision, appeal, Judicial Officer's decision(s), 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 5 years after final USDA or court decision or later, if needed as determined by O.G.C., in the Hearing Clerk's Unit (retain in Hearing Clerk's Unit until transfer to FARC).</p> <p><i>Destroy 25 years after final USDA or court decision.</i> TO BE DESTROYED 25 years after date of order</p> | | |
| 2. | <p><u>ALL REPARATION</u> case records under the Packers and Stockyards Act and Perishable Agricultural Commodities Act administered by the U.S.D.A.</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>Transfer to FARC 2 years after case is closed</p> <p>Destroy 5 years after case is closed</p> | <p><i>NCI-16-78-5 (2)</i></p> | <p>Due to nature of Acts, cu. feet per year would vary.</p> <p>50 cu. feet per year</p> |

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 |
|----------------|--|-----------------------------------|---------------------|
| 3. | <p><u>RATE CASES</u> under the Packers and Stockyards Act. (Rule-making proceedings under the Administrative Procedure Act (5 U.S.C. <u>et seq.</u>).</p> <p>Arranged numerically under Packers & Stockyards Act. All case files consisting of complaint, notice of hearing, and order of suspension; motion for hearing, hearing record including transcript of oral testimony and exhibits; briefs, Administrative Law Judge's decision; appeal, Judicial Officer's decision; petition to modify or vacate order and rulings thereon; modifications of order; and essential related correspondence including certified receipt cards (proof of service).</p> <p><u>a.</u> RETAIN in Hearing Clerk's Unit for 11 years or 1 year after order is vacated. Destroy 1 year after order is vacated.</p> <p><u>b.</u> ANY RECORDS IN THE HEARING CLERK'S UNIT NOW WILL BE DESTROYED IN 1980.</p> <p><u>c.</u> RECORDS NOW IN FARC, DESTROY IN 1980.</p> | <p><i>NC1-16-78-5 (4)</i></p> | |
| 4. | <p><u>RULEMAKING.</u> Records which document activities in formal proceedings related to marketing agreements and orders under the various Acts (3, 13, 14, 15, 16, 17, 18, 19 and other Statutes which require rulemaking and/or legislative procedure to be used in compliance with the Administrative Procedure Act (5 USC 551 <u>et seq.</u>), administered by the United States Department of Agriculture.</p> <p>All record files consist of notice of hearing, including changes in time, dates, postponement, and re-opening 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>THE HEARING CLERK'S UNIT WILL RETAIN THE ACTIVE RECORD AND/OR AMENDMENT FILES RELATING TO EACH INDIVIDUAL PROGRAM AFTER THE SECRETARY'S DECISION FOR A PERIOD OF AT LEAST THREE (3) YEARS OR LONGER AS DETERMINED BY THE OFFICE OF THE GENERAL COUNSEL.</p> | <p><i>NC1-16-78-5 (3)</i></p> | |

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. cont. | <p>a. Selected Dockets. 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 and agency involved.</p> <p>PERMANENT. Transfer to FARC 3 years after rule has been initiated. Offer to NARS 10 years after rule becomes inactive.</p> <p>b. Unselected Dockets.</p> <p>Transfer to FARC 3 years after rule is inactive. Destroy 5 years after rule has been inactive.</p> | | <p><i>1/2 cu. ft./yr.</i></p> <p>Due to nature of Acts, cu. feet per year would vary.</p> |
| 5. | <p><u>Docket Sheets and other indexes.</u> 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> | <p><i>NC1-16-78-5 (5)</i></p> | |
| 6. | <p><u>Certification File.</u> Requests for certification.</p> <p>Destroy when no longer needed for reference.</p> | <p><i>NC1-16-78-5 (6)</i></p> | |