

RW NCD 1632/1144

**REQUEST FOR RECORDS DISPOSITION AUTHORITY**  
(See Instructions on reverse)

LEAVE BLANK	
JOB NO	NCL-16-80-1
DATE RECEIVED	9-26-79
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disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10	
Date	10-25-79 <i>James E. O'Neil</i> 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  
Cherie Cozin, Mgmt. Analyst *Cherie Cozin*

5. TEL EXT  
447-4443  
447-9270

6 CERTIFICATE OF AGENCY REPRESENTATIVE

1/24/79

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 7 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 <b>9/24/79</b>	D SIGNATURE OF AGENCY REPRESENTATIVE <i>Henry A. Arnold</i> Henry A. Arnold	E TITLE RECORDS OFFICER, U.S. Dept of AGRICULTURE
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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, transcript of hearing including exhibits, 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, rulemaking and miscellaneous case records maintained by the Office of the Administrative Law Judges, Hearing Clerk Unit, U.S.D.A. and supersedes NCL-16-78-5 and NCL-16-79-3.</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> <p><u>Adjudicatory Proceedings:</u></p> <p>1. Agricultural Marketing Agreement Act of 1946</p>		

14 items

115-107

*Changes per conversation with Audrey Gearhart. 10-19-79. M.G. Copy to NRP + New 11-14-79*

STANDARD FORM 115  
Revised April 1975  
Prescribed by General Services Administration  
FPMR (41 CFR) 101-11.4  
*105 100 11-15-79*

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
	2. Animal Quarantine and Related Laws 3. Animal Welfare Act 4. Civil Rights Act 5. Egg Products Inspection Act 6. Federal Meat Inspection Act 7. Federal Seed Act 8. Horse Protection Act 9. Packers and Stockyards Act, 1921 (Titles II and III) 10. Perishable Agricultural Commodities Act 11. Poultry Products Inspection Act 12. Tobacco Inspection and Price Support 13. U. S. Cotton Standards Act 14. U. S. Grain Standards Act 15. U. S. Warehouse Act 16. Veterinary Accreditation 17. Virus-Serum-Toxin Act 18. 15-A Petitions under Agricultural Marketing Agreement Act of 1937, as amended  <u>Rulemaking Proceedings:</u>  19. Agricultural Marketing Agreement Act of 1937, as amended 20. Beef Research and Information Act 21. Cotton Research and Promotion Act 22. Egg Research and Promotion Act 23. Potato Research and Promotion Act 24. Wheat Research  <u>Miscellaneous:</u>  25. Other Statutes which require adjudicatory and/or rulemaking procedure to be in compliance with the Administrative Procedure Act.		
1.	<u>ALL ADJUDICATORY</u> case records (disciplinary proceedings) under the various Acts and other Statutes which require 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.  A. Packers & Stockyards Act: (Title II Packers and Title III Stock- yards, Marketing Agency and Dealers)	NC1-16- 79-3 #1	

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7 ITEM NO	8 DESCRIPTION OF ITEM (WITH INCLUSIVE DATES OR RETENTION PERIODS)	9 SAMPLE OR JOB NO	10 ACTION TAKEN
	<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 after final USDA or court decision. (Retain in Hearing Clerk's Unit until transfer to FARC).</p> <p><i>when court decision no longer applies.</i>                      Destroy <del>25 years after final USDA or court decision.</del>                      (Hearing Clerk to be notified regarding destruction of records.)</p> <p>B. Perishable Agricultural Commodities Act.</p> <p>Arranged numerically under each Act. All case files consisting of complainat(s), answer(s), 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, supplemental orders, and essential related correspondence.</p> <p>Transfer to FARC after final U.S.D.A. or court decision. (Retain in Hearing Clerk's Unit until transfer to FARC).</p> <p>Destroy 10 years after final USDA or court decision.</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 PENALTIES AND/OR REVOCATION OR SUSPENSION OF LICENSES.</p> <p>Transfer to FARC after final USDA or court decision. (Retain in Hearing Clerk's Unit until transfer to FARC).</p> <p><i>when court decision no longer applies.</i>                      Destroy <del>25 years after final USDA or court decision.</del>                      (Hearing Clerk to be notified regarding destruction of records.)</p>	<p>25 cu. feet per year</p> <p>25 cu. feet per year</p> <p>5 cu. feet per year</p>	<p><i>M.G. 10-19-74</i></p> <p><i>M.G. 10-19-74</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
	<p>D. Agricultural Marketing Agreement Act of 1946                      Animal Quarantine and Related Laws                      Civil Rights Act                      Egg Production Inspection Act                      Federal Meat Inspection Act                      Federal Seed Act                      Poultry Products Inspection Act                      U. S. Cotton Standards Act                      U. S. Grain Standards Act                      U. S. Warehouse Act                      Veterinary Accreditation                      Virus-Serum-Toxin Act                      15-A Petitions under Agricultural Marketing Agreement Act of 1937, as amended                      Other Statutes which require adjudicatory and/or rulemaking procedure to be in compliance with the Administrative Procedure 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, supplemental orders and essential related correspondence.</p> <p>Transfer to FARC after final USDA or court decision as determined by space in the Hearing Clerk's Unit. (Retain in Hearing Clerk's Unit until transfer to FARC.)</p> <p>Destroy 25 years after final USDA or court decision</p> <p>E. Tobacco Inspection and Price Support</p> <p>Arranged numerically under the Act. All case files consisting of application(s), hearing record including exhibits, briefs, Secretary's Decision(s), service letters, with certified receipt card(s) (proof of service), motions, extension(s) of time and essential related correspondence.</p> <p>Transfer to FARC after final USDA or court decision as determined by space in the Hearing Clerk's Unit. (Retain in Hearing Clerk's Unit until transfer to FARC.)</p> <p>Destroy 25 years after final USDA or court decision.</p>	<p>Due to nature of Acts, cu. feet per year would vary.</p> <p>less than 1 cu. foot per year.</p>	<p></p> <p>1 cu. foot 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
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(s), report of investigation, answer(s), counter complaint, answer to counter complaint, Shortened Procedure papers and/or hearing record including exhibits, briefs, orders, petitions, Judicial Officer's decision(s), service letters, with certified receipt card (proof of service), motions extension(s) of time, supplemental orders and essential related correspondence.</p> <p>A. Packers and Stockyards Act</p> <p>Transfer to FARC after final USDA or court decision. (Retain in Hearing Clerk's Unit until transfer to FARC).</p> <p>Destroy 7 years after case is closed.</p> <p>B. Perishable Agricultural Commodities Act</p> <p>1. Default Proceedings</p> <p>Retain in Hearing Clerk's Unit and destroy one year after date of Judicial Officer's decision.</p> <p>2. Shortened Procedure and/or Hearing Procedure</p> <p>Transfer to FARC after final USDA or court decision. (Retain in Hearing Clerk's Unit until transfer to FARC).</p> <p>Destroy 5 years after case is closed.</p>	<p>NCI-16- 79-3 #2</p>	<p>20 cu. feet per year.</p> <p>15 cu. feet per year</p> <p>25 cu. feet per year</p>
3	<p><u>RATE CASES</u> under the Packers and Stockyards Act.</p> <p>Arranged numerically under Packers and Stockyards Act. All case files consisting of complaint, notice of hearing, and order of suspension; motion for hearing, hearing record including exhibits, briefs, Administrative Law Judge's decision, appeal, Judicial Officer's decision, petition to modify or vacate order and rulings thereon, modifications of order, service letters including certified receipt card(s) (proof of service) and essential related correspondence.</p>	<p>NCI-16- 79-3 #3</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. Cont.	<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 BY END OF 1980.</p>	Due to nature of Act cu. feet per year would vary.	
4.	<p><u>RULEMAKING.</u></p> <p>Agricultural Marketing Agreement Act of 1937, as amended                      Beef Research and Information Act                      Cotton Research and Promotion Act                      Egg Research and Promotion Act                      Potato Research and Promotion Act                      Wheat Research                      Other Statutes which require rulemaking procedure to be in compliance with the Administrative Procedure Act.</p> <p>Records which document activities in formal proceedings related to marketing agreements and orders under the various Acts and other statutes which require rulemaking and/or legislative 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>All record files generally consist of notice of hearing; changes, postponement and/or re-opening of hearings; hearing record including exhibits, brief(s); recommended decision, exceptions and/or comments; extensions of of time, Secretary's decision(s) and final order(s). Some may include referendum orders, proposals and suspension of program, termination of program or portion thereof, and essential related correspondence.</p> <p><u>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.</u></p> <p>A. Selected Dockets. Dockets relating to substantive rules that attracted great public or industry attention and response,</p>	<p>NO 1-16- 79-3 #4</p>	

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4. Cont.	<p>signified as advance in technology, had a significant impact on industry or agriculture, or signified a major development in history of the Department, as selected by the Office of the General Counsel and/or Agency involved.</p> <p><u>PERMANENT.</u> Transfer to FARC after rule becomes inactive. Offer to NARS 15 years after rule has been terminated.</p> <p>B. Unselected Dockets:</p> <p>1. Dockets sent to FARC as Inactive -</p> <p>Transfer to FARC after rule is inactive. Destroy 15 years after rule has been terminated.</p> <p>2. Dockets sent to FARC as Terminated -</p> <p>Transfer to FARC after rule is terminated. Destroy 15 years after rule has been terminated.</p>	<p>cu. feet per year would vary.</p> <p>due to nature of Act cu. feet per year would vary.</p> <p>due to nature of Act 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>NCI-16- 79-3 #5</p>	
6.	<p><u>Certification File.</u> Requests for certification.</p> <p>Destroy when no longer needed for reference.</p>	<p>NCI-16- 79-3 #6</p>	