

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b> (See Instructions on reverse)		<b>LEAVE BLANK (NARA use only)</b>	
TO NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		JOB NUMBER NI-370-12-2	DATE RECEIVED 5/18/12
1 FROM (Agency or establishment) National Oceanic and Atmospheric Administration		NOTIFICATION TO AGENCY	
2 MAJOR SUBDIVISION National Marine Fisheries Service			
3 MINOR SUBDIVISION National Appeals Office			
4 NAME OF PERSON WITH WHOM TO CONFER Tywana Otts	5 TELEPHONE 301-427-8529	DATE 16 Oct 2012	ARCHIVIST OF THE UNITED STATES <i>[Signature]</i>

6 AGENCY CERTIFICATION  
I hereby certify that I am authorized to act for this agency in the matters pertaining to the disposition of its records and that the records proposed for disposal attached \_\_\_\_\_ page(s) are not needed for the business of this agency or will not be needed after the retention periods specified, and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manuel for Guidance of Federal Agencies,

is not required,  is attached, or  has been requested

DATE 5/12/2012	SIGNATURE OF AGENCY REPRESENTATIVE <i>[Signature]</i>	TITLE Records Officer
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7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	National Marine Fisheries Service Record Group 370  National Appeals Office Case Files 1504-22( See Attached	New item	

# National Appeals Office

## 1504-22 National Appeals Office Files

The National Appeals Office (NAO) is a division of NOAA Fisheries Office of Management and Budget. NAO is the successor to the Office of Administrative Appeals, Alaska Region, and is charged with processing appeals that were filed with the Office of Administrative Appeals, Alaska Region. NAO adjudicates appeals of persons affected by initial administrative determinations, including those related to implementation of the Magnuson-Stevens Fishery Conservation and Management Act. Section 303 of the Magnuson-Stevens Fishery Conservation and Management Act authorizes limited access privilege programs and requires NMFS to "include an appeals process for administrative review of the Secretary's decisions regarding initial allocation of limited access privileges." Typically, although not exclusively, NAO proceedings are for appeals of denials of permits or other limited access privileges. Other programs that may opt into the NAO process may include the Alaska Charter Halibut Limited Access Program or the North Pacific Groundfish Observer Program.

NAO may also adjudicate appeals for other offices within the Department of Commerce.

Appeals may include hearings, during which an administrative judge accepts testimony, and receives evidence into the record. NAO also may respond to motions and other requests related to the administrative appeals process. NAO ensures due process is afforded to all participants in the appeals process, and ensures sound and consistent jurisprudence in the appeals process. NAO determines the regulatory issues to be resolved, evaluates the evidence, and prepares written decisions.

For each appeal, NAO provides a written decision to the appellant and relevant persons within NOAA. A typical adjudication involves an initial letter to the parties allowing them to submit documents and evidence. The case is heard before an administrative judge, who has the discretion to allow testimony or rely on the NAO case record to prepare a written decision. A written decision is then rendered by NAO through an administrative judge. The decision becomes final 30 days after issuance unless 10 days from the date the decision is issued, the Regional Administrator remands, reverses, or modifies the decision. The Regional Administrator's written decision to reverse or modify NAO's decision is the final decision of the Department.

This schedule covers appeals handled by NAO and its predecessor, the Office of Administrative Appeals.

NAO may publish its decisions on the Internet.

NAO maintains a database of current and historical caseload data and responds to requests for statistical data about appeals.

**Unless otherwise noted, all disposition instructions below are media neutral, they apply regardless of the format of the record.**

### 1. Appeal Case Files

## National Appeals Office

The appeal case file documents the appeal of a decision rendered by an office of the National Marine Fisheries Service (NMFS) as well as other offices in the Department of Commerce. The office that rendered the initial administrative determination forwards the records relevant to the appeal to NAO. A typical appeal case file includes, but is not limited to, appeal letter/petition, acknowledgement letter, initial administrative determination, evidence, pleadings, decision(s) and order(s), appeals correspondence, and audio recordings of hearings, including witness testimony. Appeals case files may also be referred to as NAO case records.

### **Authorized Disposition:**

TEMPORARY. Cut off at the end of the year in which final decision is issued. Retain 6 years after the final decision, and then destroy if no court action has been initiated. If court action has been initiated, destroy 1 year after final court action. Court decision must be final. All appeal processes must have either been exhausted or waived.

## **2. Appeals Tracking Database**

NAO uses a database to track cases through the appeal process. The software used to create the database assigns case numbers, and allows NAO to maintain other information such as, judge who is assigned, case/program type, number of case days is open, appellant contact information, attorney assigned to case.

### **Authorized Disposition:**

TEMPORARY. Cut off at the end of the year in which final decision is issued. Retain 6 years after the final decision, and then delete if no court action has been initiated. If court action has been initiated, delete 1 year after final court action. Court decision must be final. All appeal processes must have either been exhausted or waived. Retention may be extended for data that has ongoing value for statistical and other business purposes.