

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

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JOB NO	NC 1 235 77 1
DATE RECEIVED	12 MAY 1977
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disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10.	
6/24/77 Date	<i>James B. Alford</i> Archivist of the United States

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

1. FROM (AGENCY OR ESTABLISHMENT)
HEW, Office of the Secretary

2. MAJOR SUBDIVISION
Office of the General Counsel

3. MINOR SUBDIVISION
Social Security Division

4. NAME OF PERSON WITH WHOM TO CONFER William Raffel	5. TEL. EXT. FTS 934-7078
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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 3 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 5/9/77	D. SIGNATURE OF AGENCY REPRESENTATIVE <i>Eugene J. Reed, Jr.</i> Russell O. Hess	E. TITLE Department Records Management Officer
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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
I.	<p><u>RETENTION AND DISPOSAL SCHEDULE - LITIGATION RECORDS</u> <u>OFFICE OF THE GENERAL COUNSEL - SOCIAL SECURITY DIVISION</u></p> <p>Records of Civil Court Actions filed against the Department for benefits pursuant to Titles II, XVI and XVIII of the Social Security Act and Title IV of the Coal Mine Health and Safety Act (except for Coal Mine Health and Safety Act cases in HEW Regions III, IV and V), and Overpayment recovery actions brought by the Department under Title XVIII of the Social Security Act.</p> <p>A. <u>Litigation Files - District Court Decisions</u> <u>Court of Claims Decisions, State Court Decisions</u></p> <p>Summons, complaint, administrative record, motions, briefs, interlocutory orders, appeal recommendations, final court decisions, other pleadings and correspondence.</p>		

115-107

*Sent to agency, NCW, NARS NMF
6/28/77*

Request for Records Disposition Authority – Continuation

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	<p>1. <u>Office Responsible for Preparation</u></p> <p>Social Security Division is office of record. Files forwarded to the Federal Records Center (FRC) 1 year after final court decision. Destroy 10 years after case file is forwarded to the FRC.</p> <p>2. <u>Other Offices</u></p> <p>Copies of litigation files - Destroy one year after final court decision is rendered.</p> <p>B. <u>Litigation Files - Appellate Court Decisions</u></p> <p>Summons, complaint, administrative record, motions, briefs, lower court orders, Court of Appeals proceedings, appellate briefs, final decision of Court of Appeals, other pleadings and correspondence. Materials in Supreme Court cases which do not provide a significant precedent.</p> <p>1. <u>Office Responsible for Preparation</u></p> <p>Social Security Division is office of record. Files forwarded to the Federal Records Center (FRC) 1 year after final appellate decision. Destroy 15 years after case file is forwarded to the FRC.</p> <p>2. <u>Other Offices</u></p> <p>Copies of Litigation files - Destroy one year after final appellate court order.</p> <p>C. <u>Precedent Case Files</u></p> <p>Cases which provide a significant precedent with respect to the policy or operation of the Social Security Administration or in court procedures are retained for legal and historical research for 30 years.</p> <p>1. Permanent. Offer to the National Archives after 30 years. <i>Arranged alphabetically by title. Volume: 1 of series 5 years.</i></p>		

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	<p>D. <u>Litigation Case Files Already Forwarded to FRC</u></p> <p>Cases previously sent to FRC contained boxes with both district court and appellate court decisions. Destroy files 15 years after receipt by the FRC.</p>		