

REQUEST FOR RECORDS DISPOSITION AUTHORITY

JOB NUMBER *11-15-06-2*

To: NATIONAL ARCHIVES & RECORDS ADMINISTRATION
8601 ADELPHI ROAD, COLLEGE PARK, MD 20740-6001

Date Received *Dec. 17, 2005 (12/27/05)*

1. FROM (Agency or establishment)
DEPARTMENT OF VETERANS AFFAIRS (DVA)

NOTIFICATION TO AGENCY

2. MAJOR SUBDIVISION
Office of General Counsel, Headquarters

In accordance with the provisions of 44 USC 3303a, the Disposition, request including Amendments is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.

3. MINOR SUBDIVISION
Office of General Counsel, Regional Offices

4. NAME OF PERSON WITH WHOM TO CONFER
Susan P Sokoll, Records Manager OGC

5. TELEPHONE
202-273-6558

DATE
12/2/07

ARCHIVIST OF THE UNITED STATES
Allen Weinstein
ALLEN WEINSTEIN

6. AGENCY CERTIFICATION

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached 21 page(s) are not needed now 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 Manual for Guidance of Federal Agencies.



is not required



is attached; or



has been requested

DATE

SIGNATURE OF AGENCY REPRESENTATIVE

TITLE

12/28/05

Louise A. Russel
Louise A. Russel, Director

RECORDS MANAGEMENT SERVICE

7. ITEM NO.

8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION

9. GRS OR SUPERSEDED JOB CITATION

10. ACTION TAKEN

SEE ATTACHED SHEETS

The disposition instructions apply to records regardless of physical format or characteristics. Records may be maintained in any format on any medium. These records are media neutral.

115-109

PREVIOUS EDITION NOT USABLE

7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (For NARA use)
1	<p>CORRESPONDENCE</p> <p>Description: General correspondence, circulars, and memoranda pertaining to the activities, operations, and administration of the Office of General Counsel, such as individual letters on benefits, insurance, personal inquiries, claims statement of fees, and related materials, that are not considered part of veterans' claim folders, litigation, case material or involve agency policy.</p> <p>Disposition: Cut off file at the end of the third fiscal year. Destroy after 3 years from cutoff if no additional material received.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		
1b	<p>Description: Draft Correspondence.</p> <p>Disposition: Destroy after preparation of final document.</p>		
2	<p>ELECTRONIC MAIL</p> <p>Description: Electronic communications.</p> <p>Disposition: Delete after six months if routine. Print out case related or internal business emails and file in appropriate case file or folder. Destroy electronic copy version after printing and filing hard copy. Include copy of any email that is case related in associated database as appropriate. Destroy online personal copy if email is included in a database.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p> <p>Note: Online email may be destroyed in 6 months if it is routine correspondence. For case files, the email is either entered into GCLAWS as part of the case file, and/or printed out and then incorporated into the case file. After incorporation into the case file (GCLAWS and/or hard copy), the email may be destroyed. Any substantive email that discusses a case in any manner is considered part of the case file. Remarks that transmit attachments are routine emails and may be destroyed in 6 months. This synopsis for emails complies with the criteria established by NARA guidelines. If an attorney(s) is discussing a manner in which to proceed on a case, I recommend annotating the email with a confidential disclaimer. This protects it from FOIA/PA disclosure and it can then be classified as 5 USC 552(b) (5) exempt from release.</p>	GRS 23/7	

7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (For NARA use)
3	<p>ELECTRONIC TRACKING AND CONTROL DATABASES</p> <p>Description: Electronic databases to include tracking and other control databases and/or records contained, entered, or maintained in a database to include all media.</p> <p>Disposition: Retain for ten years onsite and then transfer disk media to long term storage unless superseded by new technology advancements. If superseded by new technology, destroy data files and documentation after replacement and/or upgrade. Current operable systems will not be scheduled for destruction or transfer. Systems remain onsite and operable until obsolescence and/or upgrade.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p> <p>Note: GRS 27 provides disposal authorization for certain records created and maintained by Federal Chief Information Officers (CIO). This schedule applies to the records of CIO's at agency or departmental headquarters and records of deputy and subordinates CIO's at the bureau or field office level. 36 CFR 1228.50(d) require that GRS changes be submitted within 6 months of receipt. GRS 20 and GRS 24 cover certain records associated with the day-to-day operation of individual information systems and related support services.</p>		
4	<p>LABOR MANAGEMENT RELATIONS. GENERAL AND CASE FILES.</p> <p>Description: Correspondence, memoranda, reports and other records relating to the relationship between management and employee unions or other administrative litigation groups.</p> <p>Disposition: Destroy after 6 years from cut-off or receipt of final correspondence.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		

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5	<p>EQUAL EMPLOYMENT OPPORTUNITY RECORDS. CASE FILES.</p> <p>Description: Correspondence, complaints, memoranda, reports, pleadings, statements, depositions, and/or records of hearings involving litigation resolved within the agency, by EEOC, administrative board, and/or the courts.</p> <p>Disposition: Close case file after resolution of the case or after receipt of final communication. Cut off closed files at end of fiscal year. Destroy 4 fiscal years after cut-off.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>	GRS 25, Item 1a.	
6	<p>ADMINISTRATIVE GRIEVANCE, ADVERSE ACTION & DISCIPLINARY RECORDS.</p> <p>Description: Files involving grievances, disciplinary and adverse actions other than EEO issues raised by agency employees generated by Central Office OGC.</p> <p>Disposition: Close case file after resolution of the case or after receipt of the final communication. Cut off closed files at the end of the fiscal year. Destroy after 5 years from cut-off.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>	GRS 1/30	
7	<p>REAL PROPERTY LITIGATION CASE FILES.</p> <p>Description: Records relating to property acquired after December 31, 1920, other than abstract or certificate of title.</p> <p>Disposition: Close case file after filing of documents and settlement of case. Cut-off closed files at end of fiscal year. Destroy after 10 years from cut-off.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		

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8	<p>FREEDOM OF INFORMATION & PRIVACY ACT REQUESTS.</p> <p>Description: Original requests for release of information under FOIA/PA from Office of General Counsel and appeals of agency FOIA/PA decisions in other parts of Department of Veterans Affairs and the Regional Offices</p> <p>Disposition: (1) Correspondence and acknowledgement for requests referred to another DVA Division. Cut-off after three years from case closure and destroy.</p> <p>(2) OGC initial FOIA requests granting access to all documents or partial access (not appealed) Cut-off after three years from case closure and destroy.</p> <p>(3) Denied or partially denied FOIA/PA requests (not appealed). Cut-off after three years from case closure and destroy.</p> <p>(4) Appealed FOIA/PA decisions –</p> <p>Destroy 6 years after final determination by agency, 6 years after the time at which a requester could file suit, or 3 years after final adjudication by the courts, whichever is later.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		
9	<p>ETHICS MATERIALS.</p> <p>Description: Reports, correspondence, reviews, determinations, confidential financial disclosure forms and waivers involving all VA personnel.</p> <p>Disposition: Destroy 3 years after review of GRS 25, and confirmation by the Agency ethics officer. If retaining past 3 years per Agency ethics officer and GRS 25, retain for 6 years total, then destroy.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>	GRS 25	

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10	<p>HOSPITAL REIMBURSEMENT RECORDS.</p> <p>Description: Documentation of collections or collection attempts to obtain hospital reimbursement funds due to the government.</p> <p>Disposition: Close case file at completion of reimbursement activities or when funds have been recovered. Cut-off closed files at the end of the fiscal year. Destroy 5 fiscal years after cut-off.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		
11	<p>DEBT COLLECTION RECORDS.</p> <p>Description: Documentation of efforts to obtain satisfaction and collect funds in cases involving educational overpayments, loan guaranty debts, and medical debts.</p> <p>Disposition: Close case file at completion of reimbursement activities or after funds have been collected. Cut-off closed files at the end of the fiscal year. Destroy 5 years after cut-off.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		

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12	<p>LITIGATION FILES.</p> <p>Description: Working papers and other litigation papers on forfeiture, tort, loan guaranty, civil litigation and other cases originating in Central Office OGC or Regional Office.</p> <p>Disposition: Close case file after resolution of case or after receipt of final correspondence. Cut-off closed files at the end of the fiscal year. Maintain files on-site for two years. Transfer to records center after two years. Destroy 6 years 3 months after cut-off (if there is no further action).</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p> <p>NOTE: The litigating attorney will determine whether to schedule for 2 years or 6 years.</p>		
13	<p>ADMINISTRATIVE TORT CLAIMS.</p> <p>Description: Claims against the VA under the Federal Tort Claims Act by any person plus supporting reports, pictures, statements, and other documents as are necessary to properly adjudicate the cases.</p> <p>Disposition: Close case file after completion of case. Cut-off closed files at the end of the fiscal year. Maintain files on-site for two years then transfer to the records center. Destroy 7 years after cut-off.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		

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14	<p>BANKRUPTCY RECORDS.</p> <p>Description: Records asserting the claims of the VA for repayment of benefits (education, loan guaranty, etc.) from individuals or businesses in bankruptcy proceedings</p> <p>Disposition: Close case file after resolution or decision. Cut-off closed files at the end of the fiscal year. Destroy 5 years after cut-off.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		
15	<p>OFFICE ADMINISTRATIVE FILE.</p> <p>Description: Records accumulated in individual offices that relate to internal OGC/RO administration or housekeeping activities, non-functional and non-procedural office records to include procedures, staffing, fax logs, and day-to-day administrative papers.</p> <p>Disposition: Cut-off file at the end of the fiscal year. Destroy after 3 years from cut-off.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		
16	<p>CONTRACT FILES.</p> <p>Description: Working papers and contracts for procurement of goods, services and construction including easements, licenses, leases, and agreements plus any appeals of these subject areas.</p> <p>Disposition: Destroy working papers after three years from case closure. Cut off after case closure and destroy contracts after six years, 3 months.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>	GRS 3/3	

7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (For NARA use)
17	<p>ACCREDITATION OF REPRESENTATIVES & SERVICE ORGANIZATIONS.</p> <p>Description: Material submitted to DVA by veterans' service organizations concerning VA recognition and VA accreditation of service organization representatives, and material submitted by service organization representatives and independent claims agents in support of applications for VA accreditation. This material includes documents submitted to VA in disputes concerning recognition of organizations and accreditation of representatives, and may include material originally submitted to VA Regional Offices and VA Regional Counsels, held up to two years, then transferred to VACO. The material includes VA's revocation of recognition and termination or suspension of accreditation records, as well as termination or suspension of accreditation reports provided to employing entities, licensing bodies, State bar associations, and courts.</p> <p>Disposition: (1) After two years, transfer records to VA Central Office Records Management Office (033A4) those records pertaining to individuals who are no longer accredited via any veterans' service organization or who are no longer accredited as independent claims agents. Destroy after three years after transfer.</p> <p>(2) Destroy after three years those records pertaining to applicants for accreditation who fail to submit any documentation in support of an application during the one-year period following VA's most recent correspondence concerning the application. This includes records pertaining to individuals who seek but are denied accreditation by VA.</p> <p>(3) Destroy after three years from VA's receipt, correspondence from organizations that seek VA recognition whose applications are denied or incomplete.</p> <p>(4) Destroy after five years those records pertaining to VA's revocation of service organization recognition pursuant to the request of service organization officials.</p>		

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	<p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS</p> <p>Note to Item 4: Records pertaining to VA termination or suspension of a representative's accreditation for incompetence or improper conduct as defined by applicable law and records pertaining to VA's involuntary revocation of a service organization's recognition will be maintained at VACO as precedent reference items that may be used in evaluating subsequent recognition, accreditation, or reinstatement applications. These records will be maintained for 20 years from the date of involuntary termination, suspension or revocation, excluding any period of administrative or judicial review, and then destroyed.</p>		
18	<p>VETERANS BENEFITS.</p> <p>Description: Records dealing with individual issues that establishes VA policy for veteran's benefits to include health coverage, compensation, and pension, burial issues, vocational rehabilitation and education, insurance, etc.</p> <p>Disposition: Transfer to National Archives 50 years after cut-off. Cut-off is after receipt of last relevant correspondence.</p> <p>VA will maintain these records in accordance with 36 CFR 1234.24 if they are converted into electronic format, and will notify NARA if a conversion to an electronic format is made to determine if any changes should be made to the schedule.</p> <p>Record Type: PERMANENT</p> <p>Site Location: HEADQUARTERS</p>		
19	<p>APPELLATE LITIGATION FILES.</p> <p>Description: Case files of appeals of decisions made by the Board of Veterans Appeals to the Court of Appeals for Veterans Claims, or other appellate files sent forward to other adjudicating courts of higher authority.</p> <p>Disposition: Close case file after completion of case and receipt of last resolved motion or action. Cut-off closed files at the end of the fiscal year. Maintain files on-site for one year and then transfer to records center. Destroy 7 years after cut-off.</p>		

	<p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		
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20	<p>BUDGET MATERIALS.</p> <p>Description: Materials used in formulation and administration of Office of General Counsel budget including annual budget estimates, budget worksheets, etc.</p> <p>Disposition: Destroy after 5 years from budget implementation date.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		
21	<p>ENHANCED USE LEASES.</p> <p>Description: Records relating to property leased after August 14, 1991 pursuant to VA's enhanced use leasing authority (38 U.S.C. § 8161 et seq.).</p> <p>Disposition: Close case file at expiration of lease. Cut-off closed files at the end of the fiscal year. Destroy 10 years after cut-off.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		

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22	<p>PATENT AND INVENTION LICENSING.</p> <p>Description: Copies of determinations of rights, patent applications, license negotiations and agreements, etc. dealing with intellectual property in which DVA has/has not retained an interest.</p> <p>Disposition: a. Where DVA has an interest: Retain information onsite for 10 years where DVA has an interest then transfer to Records Center for 40 years after the file has been imaged. Destroy 40 years after transfer.</p> <p style="padding-left: 40px;">b. <u>Where DVA has no interest:</u> Retain information onsite for 7 years where DVA has no interest then transfer to records center after 3 years. Destroy after 3 years from transfer to records center.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		
23	<p>STATE LICENSING BOARD.</p> <p>Description: Copies of determinations made on decisions for State licensing whether affirmative or negative.</p> <p>Disposition: Close case file at completion of determination case. Cut-off closed files at the end of the fiscal year. Destroy 4 years after cut-off.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		
24	<p>PROCUREMENT CORRESPONDENCE.</p> <p>Description: Review of operating procurement unit contracts.</p> <p>Disposition: Destroy after 3 years from final decision.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		

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25	<p>ATTORNEY REVIEWS OF AGENCY MATERIALS</p> <p>Description: OGC review of agency publications and submissions to Congress and/or other federal entities, including annual reports, manuals, handbooks, directives, notices, etc.</p> <p>Disposition: Close case file at completion of the review. Cut-off closed files at the end of the fiscal year. Destroy 3 years after final review.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		
26	<p>LEGAL OPINIONS.</p> <p>Description: Requests for and responses to requests for legal interpretations and opinions made to Office of General Counsel. Opinions determined to be precedent (interpreting veterans' laws and regulations) and those considered as vital records.</p> <p>Disposition: (1) Precedent, Advisory, and Conclusive Opinions will be sent to the records center after 10 years from the date of final interpretation or opinion and after imaging. Transfer to archives after 15 years.</p> <p>VA will maintain these records in accordance with 36 CFR 1234.24 if they are converted into electronic format, and will notify NARA if a conversion to an electronic format is made to determine if any changes should be made to the schedule.</p> <p>(2) Non-precedent, non-advisory, or non-conclusive opinions remain onsite until superseded or determined obsolete then transferred to records center after 7 years. Destroy 17 years after superseded or obsolete.</p> <p>(3) Background Material for the opinions will be destroyed after 5 years.</p> <p>Record Type: TEMPORARY/PERMANENT</p> <p>Site Location: HEADQUARTERS</p>		

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27	<p>INTERAGENCY AGREEMENTS.</p> <p>Description: Negotiated agreements with other governmental agencies to cooperate in research, sharing electronic and paper data, sharing resources, exchange of agency information, structured settlements, business associate agreements, etc</p> <p>Disposition: Close at the end of agreement terms. Cut-off closed files at the end of the fiscal year. Destroy 4 years after cut-off.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		
28	<p>REPORTS FILES.</p> <p>Description: Narrative and statistical recurring and nonrecurring reports (including work sheets and backup material) required for reporting to higher echelons. These budget materials are submitted to VACO for creation of the OGC annual budget.</p> <p>Disposition: Cut off and destroy after 3 years from the date of creation.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>	GRS 5/3	
29	<p>OTHER LEGAL SERVICES.</p> <p>Description: Miscellaneous legal matters including Touhy regulations, reorganizations, criminal investigations, information disclosures that are non-FOIA/PA, and canteen service including legal matters for benefit issues, cemetery and burial matters, patient safety, commitment, and eligibility.</p> <p>Disposition: a. Miscellaneous Legal Files: Destroy after 3 years except accreditation records.</p> <p>b. Accreditation Records: Transfer Regional Office accreditation records to VACO (Records Management Division) after 2 years. (See item 17 for Headquarters disposition of accreditation material).</p> <p>Record Type: TEMPORARY/ Site Location: REGION</p>		

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30	<p>FIDUCIARY AND GUARDIANSHIP.</p> <p>Description: Documents dealing with fiduciary and guardianship of veterans.</p> <p>Disposition: Cut-off and destroy 4 years from the end of agreement or fiduciary term date.</p> <p>Record Type: TEMPORARY</p> <p>Site Location: HEADQUARTERS AND REGION</p>		
31	<p>ELECTRONIC MAIL AND WORD PROCESSING</p> <p>Description: Electronic mail copies and word processing documents of routine use. These are electronic copies of records that are created on electronic and word processing systems and used solely to generate a copy of the records covered by the other items in this schedule. This also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.</p> <p>a. Copies that have no further administrative value after the recordkeeping copy is made. This includes copies maintained by individuals in their personal files, personal electronic mail directories, or other personal directories on hard disk or network drives that are used only to produce the recordkeeping copy.</p> <p>Disposition: Destroy/delete within 180 days after the recordkeeping copy has been produced.</p> <p>b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.</p> <p>Disposition: Destroy/delete when dissemination, revision, or updating is complete.</p> <p>Record Type: TEMPORARY</p>		