

REQUEST FOR RECORDS DISPOSITION AUTHORITY		N1-47-10-5	
To NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date received 8-13-2010	
1 FROM Social Security Administration		NOTIFICATION TO AGENCY	
2 MAJOR SUBDIVISION Office of Disability Adjudication and Review		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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	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 Executive Operations and Human Resources			
4 NAME OF PERSON WITH WHOM TO CONFER Joyce Huber, SSA Records Officer	5 TELEPHONE NUMBER 410-597-1819 410-966-1704 (fax)	DATE 8-12-10	ARCHIVIST OF THE UNITED STATES
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 <u>4</u> page(s) are not needed now for the business for 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,			
<input checked="" type="checkbox"/> is not required <input type="checkbox"/> is attached <input type="checkbox"/> has been requested			
DATE 8-12-10	SIGNATURE OF AGENCY REPRESENTATIVE 		TITLE Records Officer
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
	SEE ATTACHED SHEETS Administrative Law Judge/Public Alleged Misconduct Complaints System of Records Office of Origin Office of Executive Operations and Human Resources Office of Disability Adjudication and Review Social Security Administration 5107 Leesburg Pike, Suite 1700 Falls Church, VA 22041 Scheduling Authority Social Security Administration Deputy Commissioner for Budget, Finance, & Management Center for History, Library & Records Management Joyce Huber, SSA Records Officer Room 1500 Annex Building 6401 Security Boulevard Baltimore, MD 21235-6401 410-965-5555		

I. Administrative Law Judge/Public Alleged Misconduct Complaints System of Records

The schedule provides authoritative instructions for the retention or destruction of information contained in the Administrative Law Judge/Public Alleged Misconduct Complaints (ALJ/PAMC) System of Records

The Social Security Administration, Office of Disability Adjudication and Review (SSA/ODAR) is responsible for administering an objective and impartial hearings system for dissatisfied claimants with determinations made on claims for Social security disability and supplemental Security Income benefits under titles II and XVI or the Social Security Act. Every claimant and his or her representative are entitled to fair treatment in all claims that SSA/ODAR handles.

On October 30, 1992, SSA/ODAR (formerly the Department of Health and Human Services, SSA, Office of Hearings and Appeals) published procedures in the Federal Register for the general public to follow in order to file complaints of Administrative Law Judge (ALJ) bias and misconduct and the general manner in which SSA will handle the complaints. (See 57 FR 49186) These procedures provide that an SSA official, who was not involved in the alleged improper conduct, will review or investigate every complaint in a timely manner. On February 23, 2010, SSA published notice of an ALJ/PAMC system of records to inform the public that the agency intends to use information covered by this system of records to better manage and monitor complaints filed against ALJs. The system of record became effective on March 14, 2010.

In order to carry out its responsibilities, ODAR maintains accurate records regarding its reviews and investigations of ALJ complaints. The records contain both paper and electronic information. An electronic database contains information such as the ALJ's name and numerical identifier, the ALJ's hearing office, Regional Office, and judicial circuit in which the hearing office is located, the name and Social Security Number of the claimant, the date of the claimant's hearing, the name of the complainant, the date and disposition of the ALJ's decision, and the basis for the complaint. The records may also contain information on whether the claimant filed a request for review with the Appeals Council, the name of the Administrative Appeals Judge (AAJ), the date and disposition of the AAJ's decision, and the Appeals Council's finding regarding the complaint, if applicable. The electronic records also contain information regarding the Office of Executive Operations and Human Resources' findings on the complaint.

The paper records generally contain the information mentioned above along with memoranda sent to the Regional Office regarding an investigation of the allegations, along with any applicable hearing office and Appeals Council documents and recordings and a copy of the complaint. The paper documents may also contain a copy of the acknowledgement letter sent to the claimant or complainant, the Regional Office's report and recommendation regarding its investigation, and any special processing instructions. At a future date, this information may also be maintained in an electronic format.

Disposition Instructions

TEMPORARY Cutoff at the end of the calendar year in which the Office of Executive Operations and Human Resources' finding has been completed (complaint closed). Delete/destroy the records 7 years after cutoff, or when no longer needed for Agency business, whichever is later*

*This 7 year requirement is consistent with the amount of time that most claim files are maintained may be needed to investigate the complaint Agency business may require “special situation” complaints be kept longer than the 7 years, including

- 1 Fraud, abuse or misuse – All information where possible fraud, abuse or misuse has been identified or information involving investigations of fraud, abuse or misuse will not be destroyed until the Office of the Inspector General provides approval to release such information
- 2 Disciplinary Action – All information which is related to ALJ disciplinary action will not be destroyed until the Office of Executive Operations provides approval to release such information