

## Request for Records Disposition Authority

Records Schedule Number DAA-0470-2019-0003

Schedule Status Approved

Agency or Establishment Federal Mine Safety and Health Review Commission

Record Group/Scheduling Group Records of the Federal Mine Safety and Health Review Commission

Records Schedule applies to Department-wide

Schedule Subject OFFICE OF THE GENERAL COUNSEL

Internal agency concurrences will be provided No

### Background Information

### Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
4	0	4	0

### GAO Approval

## Outline of Records Schedule Items for DAA-0470-2019-0003

Sequence Number	
1	<b>CASES PENDING BEFORE THE REVIEW COMMISSION</b> Disposition Authority Number: DAA-0470-2019-0003-0001
2	<b>CASES PENDING BEFORE U.S. COURTS OF APPEALS</b> Disposition Authority Number: DAA-0470-2019-0003-0002
3	<b>SUBJECT MATTER FILES</b> Disposition Authority Number: DAA-0470-2019-0003-0003
4	<b>MOTIONS TO REOPEN FILES</b> Disposition Authority Number: DAA-0470-2019-0003-0005

## Records Schedule Items

Sequence Number	
1	<p><b>CASES PENDING BEFORE THE REVIEW COMMISSION</b></p> <p>Disposition Authority Number      DAA-0470-2019-0003-0001</p> <p>Documents and emails pertaining to cases pending before the Review Commission that contain: • copies of pleadings, orders, decisions; • draft orders and decisions; • notes and edits by Commissioners; • memoranda and emails setting forth analyses and opinions of recommended disposition of motions, procedural matters and cases.</p> <p>Final Disposition                      Temporary</p> <p>Item Status                              Active</p> <p>Is this item media neutral?          Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      Yes</p> <p>Do any of the records covered by this item exist as structured electronic data?                      Yes</p> <p>GRS or Superseded Authority Citation      NI-470-09-04/1</p> <p><b>Disposition Instruction</b></p> <p>Cutoff Instruction                      Upon completion of review by Review Commission.</p> <p>Retention Period                      Destroy initial drafts of orders and decisions, subsequent drafts with Commissioners' edits, and case-related emails when superseded by final decision. Destroy memoranda when no longer needed for reference.</p> <p><b>Additional Information</b></p> <p>GAO Approval                              Not Required</p>
2	<p><b>CASES PENDING BEFORE U.S. COURTS OF APPEALS</b></p> <p>Disposition Authority Number      DAA-0470-2019-0003-0002</p> <p>Files of cases pending before the U.S. Courts of Appeals, which contain copies of pleadings, orders, decisions, and related memoranda, emails and correspondence.</p> <p>Final Disposition                      Temporary</p> <p>Item Status                              Active</p>

3	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
	Do any of the records covered by this item exist as structured electronic data?	No
	GRS or Superseded Authority Citation	NI-470-09-04/5
	<b>Disposition Instruction</b>	
	Cutoff Instruction	Cut off files upon final decision by U.S. Court of Appeals or final step of appeal process.
	Retention Period	Destroy after issuance of final decision or when no longer needed for reference, whichever is later. Emails may be destroyed when superceded or no longer needed for reference, whichever is later.
	<b>Additional Information</b>	
	GAO Approval	Not Required
	<b>SUBJECT MATTER FILES</b>	
	Disposition Authority Number	DAA-0470-2019-0003-0003
	Files contain copies of proposed legislation relating to the agency, documents relating to internal administration of agency, staffing, training, compilations of legal research, copies of press releases and reports, and documents relating to status of Review Commission meetings under the Sunshine Act.	
	Final Disposition	Temporary
	Item Status	Active
	Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes	
Do any of the records covered by this item exist as structured electronic data?	Yes	
GRS or Superseded Authority Citation	NI-470-09-04/12	
<b>Disposition Instruction</b>		
Cutoff Instruction	Review and Cutoff obsolete files annually.	

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Retention Period Destroy 2 year(s) after cutoff or when no longer needed for reference occurs, whichever is later

**Additional Information**

GAO Approval Not Required

**MOTIONS TO REOPEN FILES**

Disposition Authority Number DAA-0470-2019-0003-0005

Database recording motions to reopen filed with the Commission from approximately FY 2011 to the present and related working papers and emails. The database contains static information about each motion filed such as the docket number, operator's name, amount of penalties at issue, MSHA's position on the motion, a brief synopsis of the facts, name of attorney assigned to the motion. The files also provide variable data (such as the status of the case, and the recommendation for disposition by the attorney assigned) for active cases that will change until the Commission issues a final order.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? Yes

**Disposition Instruction**

Cutoff Instruction Destroy when no longer needed for reference.

Retention Period Destroy when no longer needed for reference.

**Additional Information**

GAO Approval Not Required

## 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 in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

## Signatory Information

Date	Action	By	Title	Organization
02/28/2019	Certify	Christina Rosas	Agency Records Officer	Office of the Chairman - Office of the SAO
08/29/2019	Submit for Concurrence	David Weber	Senior Appraisal Archivist	National Archives and Records Administration - Records Management Services
09/05/2019	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
09/05/2019	Concur	Laurence Brewer	Chief Records Officer	National Records and Archives Administration - National Records and Archives Administration
09/09/2019	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist