

REQUEST FOR RECORDS DISPOSITION AUTHORITY

(See Instructions on Reverse)

LEAVE BLANK (NARA USE ONLY)

JOB NUMBER

NI-474-96-2

DATE RECEIVED

7-12-96

TO: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR)
WASHINGTON, DC 20408

1. FROM (Agency or Establishment)

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

2. MAJOR SUBDIVISION

OFFICE OF ADMINISTRATION

3. MINOR SUBDIVISION

ADMINISTRATIVE SERVICES

NOTIFICATION TO AGENCY

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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.

4. NAME OF PERSON WITH WHOM TO CONFER

JULIA ALESSIO

5. TELEPHONE

(202) 942-1695

DATE

7-25-97

ARCHIVIST OF THE UNITED STATES

John W. Carl

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 6 page(s) are not now 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 Manual for Guidance of Federal Agencies,

X is not required;

is attached; or

has been requested.

DATE

June 28, 1996

SIGNATURE OF AGENCY REPRESENTATIVE

Julia Alessio

TITLE

Records Management Officer

7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	<p>See Attachment.</p> <p>All changes to this proposed schedule have been approved by:</p> <p><i>Paul W. Murray</i> <u>7/21/97</u> NARA appraiser date</p> <p><i>John W. Butler</i> <u>7/15/97</u> Agency representative date</p>		

AUG - 4 1997 *MMH* copy to Agency *Bud*

Background Information

The Thrift Savings Plan (TSP) is a retirement savings and investment plan for Federal employees established in the Federal Employees' Retirement System Act of 1986, which has been codified as amended largely at 5 U.S.C. §§ 8401-8479 (1994). (Applicable sections are attached.) It is managed by the Federal Retirement Thrift Investment Board (FRTIB).

The following disposition schedule relates to the records maintained by the FRTIB's Office of the General Counsel (OGC) which provides advice with respect to all legal aspects of the Board's operations, prepares regulations and opinions, and represents the Board in administrative and judicial forums.

Item No.	Description of Item and Proposed Disposition
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1.	<u>Legal Chronological Reading Files</u>
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Paper copies of internal and external correspondence created by the OGC that is maintained in chronological order by major office division.

Disposition: Cut off files at the end of each calendar year. Destroy 2 years after cutoff.

2.	<u>General Miscellaneous Correspondence</u>
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General correspondence to TSP participants, persons with a financial interest in a TSP account, attorneys, etc. that incorporates a legal reply from the OGC.

Disposition: Cut off files at the end of each calendar year. Destroy 2 years after cutoff.

3.	<u>Advisory Opinions</u>
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Paper copies of final Office of the General Counsel Advisory Opinions that are of precedential value and that are indexed by subject matter and maintained in office binders.

Disposition: Purge file annually. Destroy when 25 years old or when superseded (whichever is later).

4.* Non-Colorable Court Orders

Court orders received by the OGC that require no action.

Disposition: Cut off files semi-annually - June 30 and December 31. Destroy 6 months after cutoff.

5.* Draft Court Orders

Correspondence from attorneys, representing persons claiming an interest in a TSP account, usually requesting that the OGC review a draft court order for appropriate language to assure that their client receives all benefits to which they are entitled under the law.

Disposition: Cut off closed files at the end of the calendar year. Destroy 1 year after cutoff.

6.* Court Orders

Files that contain records relating to a court order as defined at 5 U.S.C. §§ 8435(d) and 8467, or legal process as defined at 5 U.S.C. § 8437(e). These are case files maintained by the OGC that include the court order/legal process, decision letter from the OGC regarding payment from the Thrift Savings Plan, and correspondence (if any) between OGC and the parties to the legal action.

Disposition: Cut off closed files at the end of each calendar year. Destroy 1 year after cutoff.

7.* Guardianship/Conservatorship Court Orders

Files that contain guardianship or conservatorship court orders over TSP accounts and OGC's decision letter.

Disposition: Cut off closed files at the end of the calendar year. Destroy 1 year after cutoff.

8.* Powers of Attorney

Files that contain requests for approval of power of attorney over TSP participant accounts and the OGC's decision letter.

Disposition: Cut off closed files at the end of each calendar year. Destroy 1 year after cutoff.

9.* Waivers

Files that contain requests for waivers of TSP participants' spouses signature or spousal notice on loan/withdrawal applications to allow the participant to borrow or withdraw from his/her account. It includes form TSP-16, Request for Waiver of Notice to Spouse, and the OGC's decision letter.

Disposition: Cut off closed files at the end of each calendar year. Destroy 1 year after cutoff.

10.* Bankruptcies

Files that contain bankruptcy petitions against TSP participants and the OGC's legal response.

Disposition: Cut off closed files at the end of each calendar year. Destroy 1 year after cutoff.

11.* Summons

Files containing court summons naming the Federal Retirement Thrift Investment Board as a party in a court action.

Disposition: Cut off closed files at the end of each calendar year. Destroy 1 year after cutoff.

12.* Death Benefit Claims

Files that contain death claims that occur under unusual circumstances, related correspondence, and the OGC's decision letter.

Disposition: Cut off closed files at the end of each calendar year. Send to the Federal Records Center 1 year after cutoff. Destroy 7 years after cutoff.

13.* Exception Processing Case Files

Files that contain correspondence, background documentation, and other material relating to the processing of TSP accounts outside routine procedures.

a. Routine Cases

Cases that are not precedent in nature and for which there are established rules/policies.

Disposition: Cut off closed files at the end of each calendar year. Destroy 1 year after cutoff.

b. Unusual Cases

Cases that are unusual and require a policy making determination based on expert review.

Disposition: Cut off closed files at the end of each calendar year. Send to the Federal Records Center 3 years after cutoff. Destroy 7 years after cutoff.

14.* Tax Levy Cases

Files consisting of requests by legal taxing jurisdictions attempting to assess a tax levy on a TSP participant's account, because the individual owes back taxes, and the OGC's legal response.

Disposition: Cut off closed files at the end of the calendar year. Destroy 3 years after cutoff.

15.* Fraud/Forgery Cases

Files containing documents on TSP participants who attempted or appear to have attempted fraud/forgery in the completion of TSP documents.

Disposition: Cut off closed files at the end of the calendar year. Destroy 3 years after cutoff.

16. Official Litigation Case Files

The official litigation case file for each case that was involved in active litigation (Federal district and appellate courts and administrative tribunals) consists of a litigation file (pleadings, court orders, trial transcript, and trial exhibits), correspondence file, discovery file, and research file.

Disposition: Close file one year after entry of final judgement. Send to the Federal Records Center 2 years after entry of final judgement. Destroy 7 years after entry of final judgement.

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- * Items 4-15 represent the paper copy of the same records that are also microfilmed at the National Finance Center and retained for 99 years in accordance with NARA-approved job number NI.474.95.1. When we initially submitted that job to NARA these records were not included. The FRTIB plans to amend that job to add the microfilm copies of these records to that schedule as soon as possible.