

REQUEST FOR RECORDS DISPOSITION AUTHORITY

(See Instructions on reverse)

NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIRA)
WASHINGTON, DC 20408

FROM (Agency or establishment)

U.S. Court of Veterans Appeals

MAJOR SUBDIVISION

Public Office

MINOR SUBDIVISION

NAME OF PERSON WITH WHOM TO CONFER 5. TELEPHONE

James L. Caldwell

(202)501-5982

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 7 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,

is not required; is attached; or has been requested.

DATE

SIGNATURE OF AGENCY REPRESENTATIVE

TITLE

11/10/92

J. Caldwell

Chief Deputy Clerk

7. ITEM NO.

8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION

9. GRS OR SUPERSEDED JOB CITATION

10. ACTION TAKEN (NARA USE ONLY)

See Attached

LEAVE BLANK (NARA use only)	
JOB NUMBER	NI- 531 VA-93-1
DATE RECEIVED	11-19-92
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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
DATE	ARCHIVIST OF THE UNITED STATES
6-23-93	<i>Andy Huskum Peterson</i>

Co. sent to GAO NCF NN-W NNT NIA 7/15/93

RECORDS OF THE U.S. COURT OF VETERANS APPEALS - PUBLIC OFFICE

The Veterans Judicial Review Act, 38 U.S.C. §§7251-7252 (1988) established the United States Court of Veterans Appeals (the Court) under Article I of the United States Constitution. The Court commenced operations on October 16, 1989, and it is composed of a chief judge and six associate judges. Judges of the Court are appointed by the President, by and with the advice and consent of the Senate, for 15 year terms of office.

The Court is empowered to review decisions of the Board of Veterans' Appeals and may affirm, modify, revise or remand a decision of the Board of Veterans' Appeals as appropriate. The type of review performed by the Court is similiar to that which is performed in Article III courts under the Administrative Procedures Act, title 5 U.S.C. §§ 551 et seq. In actions before it, the Court has the authority to decide all relevant questions of law, interpret constitutional, statutory and regulatory provisions, and to determine the meaning or applicability of the terms of an action by the Secretary of the Department of Veterans Affairs. The Court, being created by an act of Congress, may issue all writs necessary or appropriate in aid of its jurisdiction, 28 U.S.C. § 1651.

The Court is empowered to: compel actions of the Secretary that are found to have been unlawfully withheld or unreasonably delayed; set aside decisions, findings, conclusions, rules and regulations issued or adopted by the Secretary, the Board of Veterans' Appeals, or the Chairman of the Board that are found to be arbitrary or capricious, an abuse of discretion or otherwise not in accordance with the law, contrary to constitutional right, in excess of statutory jurisdiction or authority, or without observance of the procedures required by law. In cases involving benefits under the laws administered by the Department, the Court may hold unlawful or set aside findings of material facts if the findings are clearly erroneous.

Decisions by the Court can be appealed to the United States Court of Appeals for the Federal Circuit by either party, and thereafter, a petition of writ of certiorari to the United States Supreme Court can be filed. This appellate review is greatly limited by statute, so this Court is the court of last resort in the vast majority of cases.

This request for record disposition authority for the U.S. Court of Veterans Appeals Public Office covers those records not included in the General Records Schedules Nos. 1-23. This is the first request from this organization.

I. Case Files. These files contain the following items: Copy of docket; preappeal correspondence; notice of appeal; BVA decision; briefs and appendices; substantive motions; orders and notices; record; opinions and decisions; judgment; mandate. Files are arranged chronologically by case number. Annual accumulation is approximately 170 cubic feet.

Disposition.

- A. Paper Case Files. Temporary. The Paper Case Files are the Court's official records of the appeals filed at the Court. The cases are archived after all appeals are closed and related case matters are concluded. The Paper Case Files of archived cases will be retained until the end of the calendar year and transferred to the Federal Record Center (FRC) for storage as temporary records for 30 years. The Paper Case Files of archived cases which have been sent to the FRC are scheduled to be destroyed thirty years ~~from the date of transfer to FRC.~~ after cutoff.
- B. Microform Case Files. Temporary. The Microform Case Files will be archived after all appeals are closed and all case related matters are concluded. The Microform Case Files of archived cases will be retained at the Court for thirty years, then destroyed.

II. Dockets of Court Cases. These files are records of actions taken in the Court in each case, from its inception to its conclusion and are arranged numerically by case number. Annual accumulation is approximately 1 1/2 to 2 cubic feet.

Disposition.

PERMANENT.

~~Temporary.~~ Cutoff at the end of the calendar year.

Retire to FRC when no longer needed for current business.

~~Retained permanently.~~ Transfer to the National Archives in five-year blocks when 30 years old.

III. Correspondence File. This file includes letters and phone call memoranda from persons who have no official case on file with the Court and are sometimes regarded as notice to the Court of intent to appeal a decision of the BVA. The correspondence from this file is incorporated within a case file if an appeal is docketed. This file is arranged alphabetically by name. Annual accumulation is approximately 2 cubic feet.

Disposition.

Temporary. Cutoff at the end of each calendar year.

Destroyed two years after cutoff.

IV. Disturbed Correspondence File. This file consists of letters, notes, and other writings from claimants which appear threatening, or include intimidating, threatening, or menacing written statements. This file is arranged alphabetically by name. Annual accumulation is less than one cubic foot.

Disposition.

Temporary. Cutoff every two years. Destroy ten years after cutoff.

V. Sealed Case File. This file contains cases that are sensitive in nature and are protected by Court order from general review. These cases contain the following items: copy of docket; preappeal correspondence, notice of appeal; BVA decision; briefs and appendices; substantive motions; orders and notices; record; opinions and decisions; judgement; mandate. This file is arranged numerically by case number. Annual accumulation is less than one half cubic foot.

Disposition.

Sealed Cases are archived after all appeals are closed and related case matters are concluded. The Sealed Case File of archived cases will be retained until the end of the calendar year and transferred ^{separately from open cases} to the Federal Record Center (FRC). All boxes shall be sealed prior to transfer. Only sealed whole boxes shall be retrieved, by authorized Court personnel. Boxes shall be returned sealed. Sealed Case Files shall be destroyed 30 years after cutoff.

~~VI. Case Specific Correspondence. These files contain correspondence related to specific cases but not requesting any action by the Court.~~

Disposition:

Temporary. Dispose of when record is transferred to the Federal Record Center.