

REQUEST FOR RECORDS DISPOSITION AUTHORITY		JOB NUMBER <i>N1-048-074</i>	
TO: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date Received <i>3/27/07</i>	
FROM: (Agency or establishment) Department of the Interior		NOTIFICATION TO AGENCY	
2. MAJOR SUBDIVISION Office of the Secretary		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request, including amendments, is approved except for items that may be marked "disposition not approved or "withdrawn" in column 10.	
3. MINOR SUBDIVISION			
4. NAME OF PERSON WITH WHOM TO CONFER Pamala Quallich	4. TELEPHONE NUMBER 202-208-3909	DATE <i>3/24/09</i>	ARCHIVIST OF THE UNITED STATES <i>Adrienne Thomas</i>
5. AGENCY INFORMATION 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 _____ 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.			
<input checked="" type="checkbox"/> is not required <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested.			
DATE <i>Mar 14, 2007</i>	SIGNATURE OF AGENCY REPRESENTATIVE <i>Pamala Quallich</i>		TITLE <i>(off Re offer)</i> <i>Ch. Digo Mont B</i>
7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
1.	7100. Office of Hearings and Appeals See Attached List of Record Descriptions and Requested Disposition Authorities.		

7100. Office of Hearings and Appeals. These files consist of documents originating with the Office of Hearing and Appeals, which reports to the Assistant Secretary - Policy, Management, and Budget through the Deputy Assistant Secretary - Human Capital, Performance, and Partnerships. They include case files, decisions, judicial litigation files, reading files, reports, tracking information, rulemaking files, and other records pertaining to hearings and appeals. They include documents from the Office of the Director, Interior Board of Indian Appeals, Interior Board of Land Appeals, Departmental Cases Hearings Division, Probate Hearings Division, and White Earth Reservation Land Settlement Act Hearings Division.

7101. General Files

- 7101.1 Rulemaking Files
- 7101.2 Policy Files (Bureaus, Offices, and Other Agencies)
- 7101.3 Policy Files (OHA)
- 7101.4 Policy Development Files
- 7101.5 Program Planning Files
- 7101.6 Committees/Meetings Files
- 7101.7 Audit Files
- 7101.8 Project/Issue Files
- 7101.9 Website Files
- 7101.10 Network Security Files

7101.1 Rulemaking Files. These files contain both administrative record materials and working papers for rulemaking actions undertaken by OHA. Administrative record materials include the notice of proposed rulemaking, comments from the public on the proposed rule, final rule, and record of compliance. Working papers include drafts, notes, research, and internal agency communications.

a. Disposition: TEMPORARY. Cut off upon publication of final rule (or decision not to issue final rule). Retain administrative record materials for 3 years, then send to Federal Records Center for 12 years; destroy 15 years after cut-off.

b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7101.2 Policy Files (Bureaus, Offices, and Other Agencies). These files contain copies of records from Departmental Bureaus and Offices and other agencies concerning hearings and appeals rights, practices, and procedures before OHA. Files include copies of applicable statutes, regulations, and directives issued by Bureaus, Offices, and other agencies.

Disposition: TEMPORARY. Delete/destroy when superseded, obsolete, or no longer needed for agency business.

7101.3 Policy Files (OHA). These files contain directives generated by OHA for internal practices and procedures in the handling of hearings and appeals.

Disposition: TEMPORARY. Delete/destroy when superseded, obsolete, or no longer needed for agency business.

7101.4 Policy Development Files. These files contain documentation of the development of policies covered by 7101.2 and 7101.3. Files include policy drafts issued for review and comment; transmittal cover sheets that contain distribution information and instructions; comments and responses for various drafts; and notes from meetings, telephone calls, and teleconferences relating to policy development or revision.

Disposition: TEMPORARY. Cut off at close of fiscal year in which policy is issued or work on policy is abandoned. Delete/destroy 3 years after cut-off or when no longer needed for agency business, whichever is later.

7101.5 Program Planning Files. These files contain OHA's strategic and tactical plans, such as Government Performance and Results Act plans, management improvement plans, continuity of operations plans, etc. They include analyses of new program requirements, presentations, reports, communications to and from those involved in the planning process, and draft and final plans with supporting documents.

Disposition: TEMPORARY. Cut off on the last day of the period being planned. Delete/destroy 3 years after cut-off or when no longer needed for agency business, whichever is later.

7101.6 Committees/Meetings Files. These files contain records relating to any external or internal committees and meetings in which OHA officials participate. They include correspondence, agendas, meeting minutes and notes, handouts, presentations, plans, and reports.

Disposition: TEMPORARY. Cut off on last day of the committee's cycle; if there is no regular cycle, cut off on last day of fiscal year. Delete/destroy 3 years after cut-off or when no longer needed for agency business, whichever is later.

7101.7 Audit Files. These files contain records related to audits and internal control reviews related to OHA, including Inspector General and Government Accountability Office audits and reports and OHA's compliance with DOI guidelines on audit processes and internal controls. They include audits, reports, reviews, findings, correspondence, plans, and notes.

Disposition: TEMPORARY. Cut off files at end of audit or internal control review. Delete/destroy 3 years after cut-off or when no longer needed for agency business, whichever is later.

7101.8 Project/Issue Files. These files contain records relating to non-recurring substantive issues, action items, or projects arising from initiatives related to OHA. They include correspondence, notes, project plans and strategies, milestone charts, and briefing materials.

Disposition: TEMPORARY. Cut off upon closure or completion of project or issue. Delete/destroy 3 years after cut-off or when no longer needed for agency business, whichever is later.

7101.9 Website Files. These files contain records, data, and electronic links to documents relating to OHA, as posted on the Department's or OHA's website. They include descriptions of OHA units and mission, contact information, and a decision database.

Disposition: TEMPORARY. Delete or update information within 60 days after it has become obsolete or out of date, as appropriate.

7101.10 Network Security Files. These files contain all records relating to system security, risk analysis, and disaster and continuity planning for OHA's computer network, as described in OMB Circular No. A-130. They include the System Security Plan, Asset Valuation, Privacy Impact Assessment, Contingency Plan, Self-Assessment Checklist (NIST 800-26), Limited Technical Vulnerability Assessment, Configuration Management Plan, Risk Assessment Report, Security Testing and Evaluation Report, Certification Statement, and Accreditation Statement.

Disposition: TEMPORARY. Cut off at close of fiscal year in which record is created. Delete/destroy when superseded, obsolete, or no longer needed for agency business.

7102. Director's Office. These files specifically concern functions of the Office of the Director, OHA.

7102.1 Case Files. These files contain both administrative record materials and working papers for hearings and appeals handled by the Director's Office (other than those covered by 7102.3). The files cover such topics as property boards of survey, quarters rental rates, relocation assistance, acreage limitations, personnel grievances, National Indian Gaming Commission matters, and other administrative appeals that do not fall within the jurisdiction of an established appeals board. Administrative record materials include the originals or copies of the administrative record compiled by the Bureau, Office, or other agency involved, along with pleadings, correspondence, briefs, orders, decisions, return receipts, and other documents received or generated by the Director's Office. Working papers include drafts, notes, research, and internal communications.

Guidance: Send administrative record materials to district court if Director's Office decision is appealed. Otherwise, send administrative record materials to originating Bureau, Office, or other agency when case is closed and period for the parties to seek reconsideration (if applicable) has expired, for retention/disposition in accordance with its approved records schedule.

Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7102.2 [Reserved]

7102.3 Case Files (Waiver of Overpayment and Debt Collection Act). These files contain both administrative record materials and working papers for hearings and appeals handled by the Director's Office involving the waiver of overpayments made to or debts incurred by agency employees. Administrative record materials include the originals or copies of the administrative record compiled by the Bureau or Office involved, along with pleadings, correspondence, briefs, orders, decisions, return receipts, and other documents received or generated by the Director's Office. Working papers include drafts, notes, research, and internal communications.

a. Disposition: TEMPORARY. Delete/destroy administrative record materials 7 years after case is closed.

b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7102.4 Decision Files. These files consist of recommended and final orders and decisions prepared by the Director's Office in the cases described in 7102.1 and 7102.2.

Disposition: TEMPORARY. Cut off at close of fiscal year in which case is closed. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7102.5 Reading Files. These files consist of duplicate copies of notices and procedural orders issued during consideration of a case and maintained in a reading file by the Director's Office.

Disposition: TEMPORARY. Cut off at close of fiscal year in which notice or order is issued. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7102.6 Monthly and Quarterly Caseload Reports. These files contain monthly and quarterly reports prepared by the Director's Office concerning caseload activity (cases received, closed, and pending). They also contain working papers including drafts, notes, and internal correspondence.

a. Disposition: TEMPORARY. Cut off at close of fiscal year to which report pertains. Delete/destroy monthly and quarterly reports 3 years after cut-off or when no longer needed for agency business, whichever is later.

b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7102.7 Judicial Litigation Files. These files contain copies of documents (pleadings, orders, decisions, etc.) pertaining to judicial litigation involving cases decided by the Director's Office. They are duplicate copies of information maintained by the Solicitor's Office and/or Department of Justice and the courts.

Disposition: TEMPORARY. Delete/destroy when no longer needed for agency business.

7102.8 Case Tracking/Docketing Files. These files consist of docket cards, logs, and other records used to control, track, and monitor the status of cases filed with the Director's Office.

Disposition: TEMPORARY. Cut off when last case within fiscal year is closed and period for the parties to seek reconsideration (if applicable) has expired. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7102.9 Docket Management System. Electronic database of information contained in physical case tracking/docketing files.

7102.9a Master Data Files. These files contain the master copy of information created and compiled by the system for the purpose of electronic docketing and case tracking.

Disposition: TEMPORARY. Delete/destroy when system superseded, if all data transferred to successor system. Otherwise, retain for life of system plus 3 years, then delete/destroy.

7102.9b Output Files. These files contain reports and other documents generated by the system from data contained within it, e.g., for the purpose of statistical reports and analysis.

Disposition: TEMPORARY. Destroy/delete when no longer needed for agency business.

7102.9c Documentation Files. These files contain system documentation and manuals created for the management and operation of the electronic docketing system. Files also include working papers created in the process of drafting system documentation.

a. Disposition: TEMPORARY. Delete/destroy system documentation and manuals 3 years after they become superseded or obsolete.

b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7103. Interior Board of Indian Appeals (IBIA). These files specifically concern functions of the Interior Board of Indian Appeals.

7103.1 Case Files. These files contain both administrative record materials and working papers for appeals handled by IBIA. The files cover such topics as tribal acknowledgment, tribal government disputes, economic development matters, taking land into trust, and non-trust Indian Self-Determination and Education Assistance Act (ISDA) matters. Administrative record materials include the originals or copies of the administrative record compiled by the Bureau, Office, or other agency involved, along with pleadings, correspondence, briefs, orders, decisions, return receipts, and other documents received or generated by IBIA. Working papers include drafts, notes, research, and internal communications.

Guidance: Send administrative record materials to district court if IBIA decision is appealed. Otherwise, send administrative record materials to originating Bureau, Office, or other agency when case is closed and period for the parties to seek reconsideration has expired, for retention/disposition in accordance with its approved records schedule.

Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7103.2 [Reserved]

7103.3 [Reserved]

7103.4 Decision Files. These files consist of duplicate copies of final orders and decisions prepared by IBIA in the cases described in 7103.1.

Disposition: TEMPORARY. Cut off at close of fiscal year in which case is closed. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7103.5 Reading Files. These files consist of duplicate copies of notices and procedural orders issued during consideration of a case and maintained in a reading file by IBIA. They also include IBIA's record of final decision (name of case, docket number, decision title, citation, and distribution list, but not the final decision itself).

Disposition: TEMPORARY. Cut off at close of fiscal year in which notice, order, or decision is issued. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7103.6 Monthly and Quarterly Caseload Reports. These files contain monthly and quarterly reports prepared by IBIA concerning caseload activity (cases received, closed, and pending). They also contain working papers including drafts, notes, and internal correspondence.

a. Disposition: TEMPORARY. Cut off at close of fiscal year to which report pertains. Delete/destroy monthly and quarterly reports 3 years after cut-off or when no longer needed for agency business, whichever is later.

b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7103.7 Judicial Litigation Files. These files contain copies of documents (pleadings, orders, decisions, etc.) pertaining to judicial litigation involving cases decided by IBIA. They are duplicate copies of information maintained by the Solicitor's Office and/or Department of Justice and the courts.

Disposition: TEMPORARY. Delete/destroy when no longer needed for agency business.

7103.8 Case Tracking/Docketing Files. These files consist of docket cards, logs, and other records used to control, track, and monitor the status of cases filed with IBIA.

Disposition: TEMPORARY. Cut off when last case filed within the fiscal year is closed and period for the parties to seek reconsideration has expired. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7103.9 Docket Management System. Electronic database of information contained in physical case tracking/docketing files.

7103.9a Master Data Files. These files contain the master copy of information created and compiled by the system for the purpose of electronic docketing and case tracking.

Disposition: TEMPORARY. Delete/destroy when system superseded, if all data transferred to successor system. Otherwise, retain for life of system plus 3 years, then delete/destroy.

7103.9b Output Files. These files contain reports and other documents generated by the system from data contained within it, e.g., for the purpose of statistical reports and analysis.

Disposition: TEMPORARY. Destroy/delete when no longer needed for agency business.

7103.9c Documentation Files. These files contain system documentation and manuals created for the management and operation of the electronic docketing system. Files also include working papers created in the process of drafting system documentation.

a. Disposition: TEMPORARY. Delete/destroy system documentation and manuals 3 years after they become superseded or obsolete.

b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7103.10 Return Receipts. U.S. Postal Service return receipts (green cards) documenting receipt of administrative records that are returned to the Bureau, Office, or other agency following a final decision by IBIA.

Disposition: TEMPORARY. Cut off when last case filed within the fiscal year is closed and administrative record is returned to agency. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7104. Interior Board of Land Appeals (IBLA). These files specifically concern functions of the Interior Board of Land Appeals.

7104.1 Case Files. These files contain both administrative record materials and working papers for appeals handled by IBLA. The files cover such topics as mining, grazing, energy development, royalty management, timber harvesting, wildfire management, recreation, wild horse and burro management, cadastral surveys, Alaska land conveyances, rights of way, land exchanges, and trespass actions. Administrative record materials include the originals or copies of the administrative record compiled by the Bureau, Office, or other agency involved, along with pleadings, correspondence, briefs, orders, decisions, return receipts, and other documents received or generated by IBLA. Working papers include drafts, notes, research, and internal communications.

Guidance: Send administrative record materials to district court if IBLA decision is appealed. Otherwise, send administrative record materials to originating Bureau, Office, or other agency when case is closed and period for the parties to seek reconsideration has expired, for retention/disposition in accordance with its approved records schedule.

Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7104.2 [Reserved]

7104.3 [Reserved]

7104.4 Decision Files. These files consist of duplicate copies of final decisions prepared by IBLA in the cases described in 7104.1.

Disposition: TEMPORARY. Cut off at close of fiscal year in which case is closed. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7104.5 Reading Files. These files consist of duplicate copies of notices, procedural orders, and final orders issued during consideration of a case and maintained in a reading file by IBLA.

Disposition: TEMPORARY. Cut off at close of fiscal year in which notice, order, or decision is issued. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7104.6 Monthly and Quarterly Caseload Reports. These files contain monthly and quarterly reports prepared by IBLA concerning caseload activity (cases received, closed, and pending). They also contain working papers including drafts, notes, and internal correspondence.

a. Disposition: TEMPORARY. Cut off at close of fiscal year to which report pertains. Delete/destroy monthly and quarterly reports 3 years after cut-off or when no longer needed for agency business, whichever is later.

b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7104.7 Judicial Litigation Files. These files contain copies of documents (pleadings, orders, decisions, etc.) pertaining to judicial litigation involving cases decided by IBLA. They are duplicate copies of information maintained by the Solicitor's Office and/or Department of Justice and the courts.

Disposition: TEMPORARY. Delete/destroy when no longer needed for agency business.

7104.8 Case Tracking/Docketing Files. These files consist of docket cards, logs, and other records used to control, track, and monitor the status of cases filed with IBLA.

Disposition: TEMPORARY. Cut off when last case filed within the fiscal year is closed and period for the parties to seek reconsideration has expired. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7104.9 Docket Management System. Electronic database of information contained in physical case tracking/docketing files.

7104.9a Master Data Files. These files contain the master copy of information created and compiled by the system for the purpose of electronic docketing and case tracking.

Disposition: TEMPORARY. Delete/destroy when system superseded, if all data transferred to successor system. Otherwise, retain for life of system plus 3 years, then delete/destroy.

7104.9b Output Files. These files contain reports and other documents generated by the system from data contained within it, e.g., for the purpose of statistical reports and analysis.

Disposition: TEMPORARY. Destroy/delete when no longer needed for agency business.

7104.9c Documentation Files. These files contain system documentation and manuals created for the management and operation of the electronic docketing system. Files also include working papers created in the process of drafting system documentation.

a. Disposition: TEMPORARY. Delete/destroy system documentation and manuals 3 years after they become superseded or obsolete.

b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7104.10 Return Receipts. U.S. Postal Service return receipts (green cards) documenting receipt of decisions and other documents sent to parties involved in a case.

Disposition: TEMPORARY. Cut off when last case filed within the fiscal year is closed and period for the parties to seek reconsideration has expired. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7104.11 Appeals Case Control Cards. These files consist of index cards and docketing files for cases filed with the Department prior to creation of IBLA in 1970.

Disposition: TEMPORARY. Delete/destroy when no longer needed for agency business.

7105. Departmental Cases Hearings Division (DCHD). These files specifically concern functions of the Departmental Cases Hearings Division.

7105.1 Case Files. These files contain both administrative record materials and working papers for hearings handled by DCHD (other than those covered by 7105.3). The files cover such topics as mining, grazing, royalties, non-trust ISDA matters, and other administrative hearings that do not fall within the jurisdiction of another OHA unit (see schedules 7102, 7106, and 7107). Administrative record materials include the originals or copies of the administrative record compiled by the Bureau, Office, or other agency involved, hearing transcripts, evidence, pleadings, correspondence, briefs, orders, decisions, return receipts, and other documents received or generated by DCHD. Working papers include drafts, notes, research, and internal communications.

Guidance: Send administrative record materials to appropriate appeals board if DCHD decision or order is appealed. Otherwise, send administrative record materials to originating Bureau, Office, or other agency when case is closed, for retention/disposition in accordance with its approved records schedule.

Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7105.2 [Reserved]

7105.3 Case Files (Surface Mining). These files contain both administrative record materials and working papers for hearings handled by DCHD under the Surface Mining Control and Reclamation Act of 1977. Administrative record materials include the originals or copies of the administrative record compiled by the Office of Surface Mining Reclamation and Enforcement, hearing transcripts, evidence, pleadings, correspondence, briefs, orders, decisions, return receipts, and other documents received or generated by DCHD. Working papers include drafts, notes, research, and internal communications.

Guidance: Send administrative record materials to IBLA if DCHD decision or order is appealed. Otherwise, delete/destroy administrative record materials 7 years after case is closed or when no longer needed for agency business, whichever is later.

Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7105.4 Decision Files. These files consist of duplicate copies of final orders and decisions prepared by DCHD in the cases described in 7105.1 and 7105.3.

Disposition: TEMPORARY. Cut off at close of fiscal year in which case is closed. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7105.5 Reading Files. These files consist of duplicate copies of notices, procedural orders, and final orders issued during consideration of a case and maintained in a reading file by DCHD.

Disposition: TEMPORARY. Cut off at close of fiscal year in which notice, order, or decision is issued. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7105.6 Monthly and Quarterly Caseload Reports. These files contain monthly and quarterly reports prepared by DCHD concerning caseload activity (cases received, closed, and pending). They also contain working papers including drafts, notes, and internal correspondence.

a. Disposition: TEMPORARY. Cut off at close of fiscal year to which report pertains. Delete/destroy monthly and quarterly reports 3 years after cut-off or when no longer needed for agency business, whichever is later.

b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7105.7 Judicial Litigation Files. These files contain copies of documents (pleadings, orders, decisions, etc.) pertaining to judicial litigation involving cases decided by DCHD. They are duplicate copies of information maintained by the Solicitor's Office and/or Department of Justice and the courts.

Disposition: TEMPORARY. Delete/destroy when no longer needed for agency business.

7105.8 Case Tracking/Docketing Files. These files consist of docket cards, logs, and other records used to control, track, and monitor the status of cases filed with DCHD.

Disposition: TEMPORARY. Cut off at close of fiscal year in which case is closed. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7105.9 Docket Management System. Electronic database of information contained in physical case tracking/docketing files.

7105.9a Master Data Files. These files contain the master copy of information created and compiled by the system for the purpose of electronic docketing and case tracking.

Disposition: TEMPORARY. Delete/destroy when system superseded, if all data transferred to successor system. Otherwise, retain for life of system plus 3 years, then delete/destroy.

7105.9b Output Files. These files contain reports and other documents generated by the system from data contained within it, e.g., for the purpose of statistical reports and analysis.

Disposition: TEMPORARY. Destroy/delete when no longer needed for agency business.

7105.9c Documentation Files. These files contain system documentation and manuals created for the management and operation of the electronic docketing system. Files also include working papers created in the process of drafting system documentation.

a. Disposition: TEMPORARY. Delete/destroy system documentation and manuals 3 years after they become superseded or obsolete.

b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7105.10 Attorney Working Files. These files consist of attorney drafts, notes, research, background material, reference copies of documents, and other materials related to a specific case or category of cases.

Disposition: TEMPORARY. Delete/destroy when no longer needed for agency business.

7106. Probate Hearings Division (PHD). These files specifically concern functions of the Probate Hearings Division.

7106.1 [Reserved]

7106.2 [Reserved]

7106.3 [Reserved]

7106.4 Decision/Reading Files. These files consist of duplicate copies of orders, decisions, and other documents prepared or used by PHD.

Disposition: TEMPORARY. Cut off at close of fiscal year in which case is closed. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7106.5 [Reserved]

7106.6 Monthly and Quarterly Caseload Reports. These files contain monthly and quarterly reports prepared by PHD concerning caseload activity (cases received, closed, and pending). They also contain working papers including drafts, notes, and internal correspondence.

a. Disposition: TEMPORARY. Cut off at close of fiscal year to which report pertains. Delete/destroy monthly and quarterly reports 3 years after cut-off or when no longer needed for agency business, whichever is later.

b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7105.7 Judicial Litigation Files. These files contain copies of documents (pleadings, orders, decisions, etc.) pertaining to judicial litigation involving cases decided by PHD. They are duplicate copies of information maintained by the Solicitor's Office and/or Department of Justice and the courts.

Disposition: TEMPORARY. Delete/destroy when no longer needed for agency business.

7106.8 Case Tracking/Docketing Files. These files consist of docket cards, logs, and other records used to control, track, and monitor the status of cases filed with PHD.

Disposition: TEMPORARY. Cut off at close of fiscal year in which case is closed. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7106.9 Docket Management System. Electronic database of information contained in physical case tracking/docketing files.

7106.9a Master Data Files. These files contain the master copy of information created and compiled by the system for the purpose of electronic docketing and case tracking.

Disposition: TEMPORARY. Delete/destroy when system superseded, if all data transferred to successor system. Otherwise, retain for life of system plus 3 years, then delete/destroy.

7106.9b Output Files. These files contain reports and other documents generated by the system from data contained within it, e.g., for the purpose of statistical reports and analysis.

Disposition: TEMPORARY. Destroy/delete when no longer needed for agency business.

7106.9c Documentation Files. These files contain system documentation and manuals created for the management and operation of the electronic docketing system. Files also include working papers created in the process of drafting system documentation.

a. Disposition: TEMPORARY. Delete/destroy system documentation and manuals 3 years after they become superseded or obsolete.

b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7107. White Earth Reservation Land Settlement Act (WELSA)

Hearings Division (WHD). These files specifically concern functions of the WELSA Hearings Division.

7107.1 Case Files. These files contain (a) administrative record materials for hearings handled by WHD involving heirship determinations under WELSA, (b) duplicate copies of such materials for use within WHD and related documents that are not part of the administrative record, and (c) working papers. Administrative record materials for each case include the case docket sheet and originals or copies of death certificates, heirship information, hearing transcripts, evidence, pleadings, correspondence, briefs, orders, and decisions. Related documents that are not part of the administrative record include telephone contact memos and correspondence pertaining to procedural issues not in dispute. Working papers include drafts, notes, research, and internal communications.

Guidance: Send administrative record materials to IBIA if WHD decision is appealed. Otherwise, send administrative record materials to Bureau of Indian Affairs when case is closed and period for the parties to seek reconsideration or rehearing has expired, for retention/disposition in accordance with its approved records schedule.

a. Disposition: TEMPORARY. Delete/destroy duplicate copies of administrative record materials and related documents after 7 years or when no longer needed for agency business, whichever is later.

b. Disposition: TEMPORARY. Delete/ destroy working papers when no longer needed for agency business.

7107.2 [Reserved]

7107.3 [Reserved]

7107.4 Correspondence Files. These files consist of originals or copies of administrative correspondence between the Bureau of Indian Affairs and WHD pertaining to implementation of WELSA.

Disposition: TEMPORARY. Cut off at close of fiscal year in which correspondence is sent or received. Delete/destroy 7 years after cut-off or when no longer needed for agency business, whichever is later.

7107.5 Chronological/Reading Files. These files consist of duplicate copies, filed chronologically, of documents created and issued by WHD in the course of its work. (These are duplicates of either original documents or copies found in the other categories of this schedule.)

Disposition: TEMPORARY. Cut off at close of fiscal year. Delete/destroy when no longer needed for agency business.

7107.6 Monthly and Quarterly Caseload Reports. These files contain monthly and quarterly reports prepared by WHD concerning caseload activity (cases received, closed, and pending). They also contain working papers including drafts, notes, and internal correspondence.

a. Disposition: TEMPORARY. Cut off at close of fiscal year to which report pertains. Delete/destroy monthly and quarterly reports 3 years after cut-off or when no longer needed for agency business, whichever is later.

b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7107.7 [Reserved]

7107.8 [Reserved]

7107.9 Docket Management System. Electronic database of information contained in physical case files.

7107.9a Master Data Files. These files contain the master copy of information created and compiled by the system for the purpose of electronic docketing and case tracking.

Disposition: TEMPORARY. Delete/destroy when system superseded, if all data transferred to successor system. Otherwise, retain for life of system plus 3 years, then delete/destroy.

7107.9b Output Files. These files contain reports and other documents generated by the system from data contained within it, e.g., for the purpose of statistical reports and analysis.

Disposition: TEMPORARY. Destroy/delete when no longer needed for agency business.

7107.9c Documentation Files. These files contain system documentation and manuals created for the management and operation of the electronic docketing system. Files also include working papers created in the process of drafting system documentation.

a. Disposition: TEMPORARY. Delete/destroy system documentation and manuals 3 years after they become superseded or obsolete.

b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

7108. Integrated Electronic Docket Management System. These files concern OHA's development and implementation of an integrated Docket Management System to replace the unit-specific systems used in the Director's Office, IBIA, IBLA, DCHD, and WHD.

7108.1 Planning and Development. These files contain records relating to the planning and development of the system, as well as its ongoing modification and enhancement. They include documents relating to functional requirements and technical specifications; plans, timetables, and milestone charts for system development; system design and screen mock-ups; system installation and testing; and system acceptance.

Disposition: TEMPORARY. Cut off at end of fiscal year in which initial system or any new version or enhancement to the system was successfully installed and accepted. Delete/destroy 3 years after cut-off or when no longer needed for agency business, whichever is later.

7108.2 Management and Maintenance. These files contain records relating to the routine management and day-to-day maintenance of the system. Management documents include administrative documents (e.g., documents relating to system costs and funding) and system-function documents (e.g., system business rules, guidelines, and rules of behavior). Maintenance documents include electronic and hard-copy documents created to monitor system usage (e.g., log-in files, password files, audit trail files, and system usage files), identify and correct system problems, back up system data, and perform other functions associated with system maintenance and support.

Disposition: TEMPORARY. Destroy/delete when superseded/obsolete or when no longer needed.

7108.3 Input Files. These files contain information entered into the integrated docket management system for the purpose of tracking or documenting cases and case history, as well as producing reports or statistical data.

Disposition: TEMPORARY. Delete/destroy after input and verification of data into master files or when no longer needed to support the reconstruction of the master files, whichever is later.

7108.4 Master Data Files. These files contain the master copy of information created and compiled by the system for the purpose of electronic docketing and case tracking.

Disposition: TEMPORARY. Retain for life of system plus 3 years, then delete/destroy.

7108.5 Output Files. These files contain hard copy or exportable (electronic) reports and other documents generated by the system from data contained within it, e.g., for the purpose of statistical reports and analysis.

Disposition: TEMPORARY. Delete/destroy when no longer needed for agency business.

7108.6 Documentation Files. These files contain all records needed to interpret (read and understand) the data in the system. They include the system's program code and code translation tables (codebooks); data element definitions and dictionary; table descriptions; file specifications; and record layout.

Disposition: TEMPORARY. Cut off at end of fiscal year in which superseded or obsolete. Delete/destroy 3 years after cut-off.

7108.7 User Manual and Training Files. These files contain records created to train or assist employees in using the system, and records relating to such training. They include printed and electronic user guides, electronic "Help Screen" instructions, PowerPoint presentations, handouts prepared for system demonstrations and user training, announcements of and schedules for user training sessions, sign-in sheets documenting users trained, and other related records.

Disposition: TEMPORARY. Cut off at end of fiscal year in which superseded or obsolete. Destroy/delete 3 years after cut-off.

June 11, 2009

Note to File:

Today I met with Larry Baume to go over the Office of Hearings and Appeals schedule which was just approved. However, the agency identified errors that existed and needed to be changed. Larry stated that the agency did not need to resubmit a new schedule and that we would make the appropriate changes. Robert More of OHA has reviewed the approved schedule again and made the corrections himself and emailed the updated schedule to me.



Leslie Watson

From: "More, Robert" <Robert_More@oha.doi.gov>
To: Leslie Watson <Leslie.Watson@nara.gov>, <John_P_Langsdorf@nbc.gov>
Date: 6/11/2009 10:56:14 AM
Subject: RE: N1-048-07-4

Yes, fine. He or I will get back to you. Bob

-----Original Message-----

From: Leslie Watson [mailto:Leslie.Watson@nara.gov]
Sent: Thursday, June 11, 2009 10:49 AM
To: John_P_Langsdorf@nbc.gov; More, Robert
Cc: Jennie Guilbaud; Boswell, Dawn; Breece, Charles E.
Subject: RE: N1-048-07-4

Thank you

Will you ensure that Peter is comfortable with the changes and concurs as well? He did tell me yesterday that he might be out of the office today attending to appointments.

That would be great.

Leslie Watson
301-837-3108

>>> "More, Robert" <Robert_More@oha.doi.gov> 6/11/2009 10:45 AM >>>

Leslie, yes, if NARA will approve the revised schedule I sent this morning (the clean version), that would be great. Bob

-----Original Message-----

From: Leslie Watson [mailto:Leslie.Watson@nara.gov]
Sent: Thursday, June 11, 2009 10:42 AM
To: John_P_Langsdorf@nbc.gov; More, Robert
Cc: Jennie Guilbaud; Boswell, Dawn; Breece, Charles E.
Subject: RE: N1-048-07-4

So do you concur with making this correction to the schedule?

Leslie Watson
301-837-3108

>>> "More, Robert" <Robert_More@oha.doi.gov> 6/11/2009 9:36 AM >>>

Leslie, thanks for your messages. Your proposed revision to 7102.1 looks good, although I don't think we need to say "Apply the guidance above" immediately after stating the guidance.

I've gone through the approved schedule and made the changes necessary to incorporate your approach for all the Case Files items.

While I was at it, I made a few other minor changes:

- In 7100, I updated the title of the Deputy Assistant Secretary to whom we report. The title changed about a year ago.
- In the "Guidance" paragraphs for 7102.1, 7103.1, 7104.1 and 7107.1, I added language about what to do if the decision is appealed. We already had that language in 7105.1 and (before it was withdrawn) 7106.1, but we forgot to include it in the other Case Files items.
- I added the notation "[Reserved]" for the withdrawn trust records items 7103.2, 7104.2, 7105.2, and 7106.2, and I took out cross-references to those items in 7103.1, 7103.4, 7104.1, 7104.4, 7105.1, 7105.4, and 7106.4.
- I broke the Disposition instructions in 7107.9c into two subparagraphs, as you had with the comparable items for the other OHA units.

The first attachment has these changes highlighted; the second attachment is a clean version.

In answer to your question about item 7107.1, those are not Indian or Tribal Trust records. WELSA is a statute that provides compensation to members of the tribe and their heirs, and it has nothing to do with trust property.

We appreciate your help in getting our schedule straightened out. Bob

-----Original Message-----

From: Leslie Watson [mailto:Leslie.Watson@nara.gov]
Sent: Thursday, June 11, 2009 8:26 AM
To: John_P_Langsdorf@nbc.gov; More, Robert
Cc: Jennie Guilbaud; Boswell, Dawn; Breece, Charles E.
Subject: RE: N1-048-07-4

Also, can you tell if item 7107.1 is related to Indian Trust or Tribal Trust records?

Thanks

Leslie Watson
301-837-3108

>>> Leslie Watson 6/11/2009 8:23 AM >>>

In an effort to remedy this without you having to resubmit a new schedule, please review the Case file 7102.1 item below and let me know if this is the way this and Case files 7103.1, 7104.1, 7105.1, 7107.1 should be written.

It is NARA's practice to separate the disposition from the

instructions to agency employees. It make it clear for all parties as to how to handle the records.

No changes will be made until you concur with the correction and/or make suggestions.

7102.1 Case Files. These files contain both administrative record materials and working papers for hearings and appeals handled by the Director's Office (other than those covered by 7102.3). The files cover such topics as property boards of survey, quarters rental rates, relocation assistance, acreage limitations, personnel grievances, National Indian Gaming Commission matters, and other administrative appeals that do not fall within the jurisdiction of an established appeals board. Administrative record materials include the originals or copies of the administrative record compiled by the Bureau, Office, or other agency involved, along with pleadings, correspondence, briefs, orders, decisions, return receipts, and other documents received or generated by the Director's Office. Working papers include drafts, notes, research, and internal communications.

Guidance: Send administrative record materials to originating Bureau, Office, or other agency when case is closed and period for the parties to seek reconsideration (if applicable) has expired, for retention/disposition in accordance with its approved records schedule.

Apply the guidance above. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

Leslie Watson
301-837-3108

>>> "More, Robert" <Robert_More@oha.doi.gov> 6/9/2009 8:06 AM >>>
Hi, Leslie! I'm attaching an electronic version of what was approved, showing the changes from what we submitted. We agreed to withdraw the items dealing with trust records, so that's not a problem. The main problem, as Peter had indicated, is with the changes made to the items dealing with case files. Taking the Director's Office item, 7102.1, as an example, here's what we submitted:

"Disposition: TEMPORARY. Send administrative record materials to originating Bureau, Office, or other agency when case is closed and period for the parties to seek reconsideration (if applicable) has expired, for retention/disposition in accordance with its approved records schedule. Delete/destroy working papers when no longer needed for agency business."

And here's what we got back as approved:

"a. Disposition: TEMPORARY. Cut off upon publication of final rule (or decision not to issue final rule). Retain administrative record materials for 3 years, then send to Federal Records Center for 12 years; destroy 15 years after cut-off.

"b. Disposition: TEMPORARY. Delete/destroy working papers when no longer needed for agency business.

"Guidance: Send administrative record materials to originating Bureau, Office, or other agency when case is closed and period for the parties to seek reconsideration (if applicable) has expired, for retention/disposition in accordance with its approved records schedule."

Equivalent changes were made in items 7103.1 (IBIA), 7104.1 (IBLA), 7105.1 (DCHD), and 7107.1 (WHD). The new paragraph (a) in each item has been imported from 7101.1, which deals with rulemaking files. That language makes no sense in the items dealing with case files, since it talks about "publication of a final rule (or decision not to issue final rule)," and there is no final rule (or decision not to issue final rule) as part of a case adjudication. And the new paragraph (a) is inconsistent with the new "Guidance" paragraph. We can't simultaneously "[r]etain administrative record materials for 3 years," etc. and also send those materials back "to the originating Bureau, Office, or other agency when case is closed and period for the parties to seek reconsideration [generally 30-60 days] has expired."

If we had been consulted about the changes, we could have pointed out the problems with the revised language and worked out a mutually agreeable solution. We hope that can now be done after the fact, in fairly short order. Anything you can do to assist with that process will be greatly appreciated.

Bob More
Director, OHA

-----Original Message-----

From: Leslie Watson [mailto:Leslie.Watson@nara.gov]
Sent: Monday, June 08, 2009 8:15 PM
To: Jennie Guilbaud; John Hulmston; John_P_Langsdorf@nbc.gov
Cc: Boswell, Dawn; Breece, Charles E.; More, Robert
Subject: Re: N1-048-07-4 followup

Actually John sent the email to me. You mention alterations, I am not sure what changes you are referring to? Who made changes, except for removing trust records in order to proceed with the other items?
NARA's

policy is to recommend changes and have the agency make and/or approve them before proceeding. I remember changes were made by the OHA program following my agency visit with you and other program members.

Leslie Watson
301-837-3108

>>> <John_P_Langsdorf@nbc.gov> 06/08/09 12:46 PM >>>
Leslie-

I'm not sure how to respond to your follow-up. Are you asking in reference to the recent inquiry (dated 6-3-2009) that I sent you, John Hulmston, and Jennie Guilbaud regarding the unapproved changes made to the disposition

schedule? If so, I have thus far received no reply from NARA that explains the reason or methodology behind the alterations or ways in which the situation can be remedied. If you did not receive the referenced email, I will be happy to resend it.

Thank you.

- J. Peter Langsdorf
OS/NBC Records Management
John_P_Langsdorf@nbc.gov
202-513-0804

From:
"Leslie Watson" <Leslie.Watson@nara.gov>
To:
<John_P_Langsdorf@nbc.gov>
Date:
06/05/2009 08:17 AM
Subject:
N1-048-07-4 followup

Just wanted to contact you to see how things are going with this schedule?

Leslie Watson
301-837-3108

CC: Jennie Guilbaud <jennie.guilbaud@nara.gov>, "Boswell, Dawn"
<Dawn_Boswell@nbc.gov>, "Breece, Charles E." <Charles_Breece@oha.doi.gov>