

National Archives and Records Administration  
REQUEST FOR DISPOSITION AUTHORITY

Records Schedule Number: DAA-0398-2025-0001

Status: APPROVED  
Date Approved: 08/20/2025

## General Information

Agency or Establishment	Department of Transportation
Record/Scheduling Group	0398 - General Records of the Department of Transportation
Records Schedule Applies To	Agency Subdivision
Major Subdivision	Office of the Secretary of Transportation
Minor Subdivision	Office of Hearings
Schedule Subject	Office of Hearings Records
Additional Schedule Information	<p>The U.S. Administrative Law Judges (“Judges”) in the DOT’s Office of Hearings (“OH”) provide formal (i.e., “on the record”) administrative adjudication services for the DOT modes. Most cases are referred for formal hearings pursuant to the Administrative Procedure Act (“APA”), codified in 5 U.S.C. 551 et. seq. A few formal hearings are also held on non-APA employee debt collection disputes. On all APA cases, the Judge’s Orders and Decisions are published widely by: a) legal publishing houses (i.e., Westlaw; LexisNexis); b) the prosecuting DOT mode (<a href="http://www.regulations.gov">www.regulations.gov</a>); and/or c) the Federal Docket Management System (<a href="http://www.fdms.gov">www.fdms.gov</a>).</p> <p>This record schedule consists of the Judges’ formal APA case Orders and Decisions and the Judges’ non-APA employee debt Orders and Decisions.</p> <p>Note: The OH’s Internal Case Tracking System (CTS) is scheduled under GRS 4.1, Item 010</p>
Is There a Classified Version of This Schedule?	No
Is consultation and coordination with Tribal Governments required?	No - the records covered by this schedule do not implicate Tribal interests

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## Item Count

Total number of disposition items: 5

Number of Temporary disposition items: 5

Number of Permanent disposition items: 0

Number of Items with Disposition Not Approved: 0

Number of Inactive disposition items: 0

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Outline of Records Schedule Items for DAA-0398-2025-0001

Item #	Title	Disposition
0001	Formal Administrative Procedure Act (APA) Case Files : Formal APA Case Files- Routine	Temporary
0002	Formal Administrative Procedure Act (APA) Case Files : Formal APA Case Files- Significant	Temporary
0003	Non-Administrative Procedure Act (APA) Employee Debt Cases : Non-APA Employee Debt Cases- Routine	Temporary
0004	Non-Administrative Procedure Act (APA) Employee Debt Cases : Non-APA Employee Debt Cases- Significant	Temporary
0005	Working Files	Temporary

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Records Schedule Items

Group Title	Formal Administrative Procedure Act (APA) Case Files
Group Description	<p>Issues in formal APA cases vary widely, but all APA cases are initiated when a DOT mode files and refers to the OH formal charges against private businesses and/or individuals for alleged violations of transportation regulatory law, seeking both a finding on the charges as well as a grant of various sanctions against responding parties if the charges are proven (e.g., money fines, cease and desist orders, and/or requests for other relief (e.g., upholding an “out of service” order against a business; etc.)). The APA cases also include actions filed by responding parties who have prevailed (in some fashion) in an APA formal hearing, and who seek attorney fees from the DOT prosecuting mode under the Equal Access to Justice Act (EAJA).</p> <p>This record series includes (but is not limited to): air carrier and motor carrier safety and transportation issues, pipeline and hazardous materials handling and transportation, motor carrier imminent hazard out-of-service, aviation consumer protection, air transportation passenger misconduct, contested requests for attorney fees under EAJA, etc.</p>
DAA-0398-2025-0001-0001	STATUS: Active
ITEM GENERAL INFORMATION	
Item Title	Formal APA Case Files- Routine
Item Description	Routine cases are cases involving orders and decisions that address procedural matters, provide various litigation schedules, contain language routinely used in other APA case orders/decisions, and typically are resolved without addressing any disputed substantive or new issues.
Is this item media neutral?	Yes
Is this item a Big Bucket?	No
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS	
Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No
DISPOSITION INSTRUCTION	
Final Disposition	Temporary

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Cutoff Instructions	Cut off at end of Calendar year after after the case is closed and all periods for litigation and related appeals have expired.
Retention Period	Destroy 5 year(s) after cutoff
<b>ADDITIONAL INFORMATION</b>	
Are any of the records covered by this item national security classified?	No
GAO Approval Required	No
<b>DAA-0398-2025-0001-0002</b> <span style="float: right;"><b>STATUS: Active</b></span>	
<b>ITEM GENERAL INFORMATION</b>	
Item Title	Formal APA Case Files- Significant
Item Description	Cases are deemed significant when they: a) address disputed substantive issues; b) address new or first impression types of issues; c) can be used as an internal precedence; and d) can serve as templates for current or future cases to ensure consistency between cases.
Is this item media neutral?	Yes
Is this item a Big Bucket?	No
<b>SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS</b>	
Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No
<b>DISPOSITION INSTRUCTION</b>	
Final Disposition	Temporary
Cutoff Instructions	Cut off at end of Calendar year after the case is closed and all periods for litigation and related appeals have expired.
Retention Period	Destroy 30 year(s) after cutoff or when no longer needed as precedential bases for other hearing cases occurs, whichever is later
<b>ADDITIONAL INFORMATION</b>	
Are any of the records covered by this item national security classified?	No
GAO Approval Required	No

Group Title	Non-Administrative Procedure Act (APA) Employee Debt Cases
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<b>Group Description</b>	Non-APA employee debt cases are referred to the OH when a DOT modal administration seeks to have a debt declared against a current or former employee, on various allegations of financial error (e.g., overpayment of salary or benefits, miscalculation of payments, travel fund misuse, etc.). Currently, the FAA is the only DOT mode that refers its debt cases to the OH. Note: In these cases, the Judge's decision is final. There is no appeal process. None of these FAA cases are published.
<b>DAA-0398-2025-0001-0003</b> <span style="float: right;"><b>STATUS: Active</b></span>	
<b>ITEM GENERAL INFORMATION</b>	
Item Title	Non-APA Employee Debt Cases- Routine
Item Description	Routine Non-APA employee debt cases involve orders and decisions that address procedural matters, provide various litigation schedules, contain language routinely used in other non-APA employee debt case orders/decisions, and do not address disputed substantive or new issues prior to final disposition.
Is this item media neutral?	Yes
Is this item a Big Bucket?	No
<b>SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS</b>	
Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No
<b>DISPOSITION INSTRUCTION</b>	
Final Disposition	Temporary
Cutoff Instructions	Cut off at end of Calendar year after the case is closed
Retention Period	Destroy 5 year(s) after cutoff
<b>ADDITIONAL INFORMATION</b>	
Are any of the records covered by this item national security classified?	No
GAO Approval Required	No
<b>DAA-0398-2025-0001-0004</b> <span style="float: right;"><b>STATUS: Active</b></span>	
<b>ITEM GENERAL INFORMATION</b>	
Item Title	Non-APA Employee Debt Cases- Significant
Item Description	Significant Non-APA employee debt cases are deemed significant when they: a) address disputed substantive issues; b) address new or first impression types of issues; c) can be used as internal precedence; and d) can serve templates for current or future cases to ensure consistency between cases.

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Is this item media neutral?	Yes
Is this item a Big Bucket?	No
<b>SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS</b>	
Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No
<b>DISPOSITION INSTRUCTION</b>	
Final Disposition	Temporary
Cutoff Instructions	Cut off at end of Calendar year after the case is closed
Retention Period	Destroy 30 year(s) after cutoff or when no longer needed as precedential bases for other hearing cases occurs, whichever is later
<b>ADDITIONAL INFORMATION</b>	
Are any of the records covered by this item national security classified?	No
GAO Approval Required	No

DAA-0398-2025-0001-0005	STATUS: Active
<b>ITEM GENERAL INFORMATION</b>	
Item Title	Working Files
Item Description	Working files consist of drafts, notes, background material, and reference copies of documents not incorporated into case files.
Is this item media neutral?	Yes
Is this item a Big Bucket?	No
<b>SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS</b>	
Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No
<b>DISPOSITION INSTRUCTION</b>	
Final Disposition	Temporary
Cutoff Instructions	Cut off at end of Calendar year.
Retention Period	Destroy 15 year(s) after cutoff or when no longer needed for agency business occurs, whichever is later
<b>ADDITIONAL INFORMATION</b>	
Are any of the records covered by this item national security classified?	No

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GAO Approval Required	No
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Signatory Information

Action	User	Date
Approve	Marco Rubio (Acting Archivist)	08/20/2025



Office of the Chief  
Records Officer for the  
U.S. Government

This schedule was signed outside of the ERA system using Standard Form 115.

NARA staff updated ERA to reflect this approval, moving the record schedule into an approved status. The approved status allows for generation of a PDF indicating that the schedule has been approved, and allows an agency to use the schedule in ERA to create transfer requests. The approved date in the system and on the PDF version of the records schedule reflects the system actions.