

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		JOB NUMBER <i>NI-48-10-8</i>	
TO. NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date Received <i>6/30/10</i>	
FROM (Agency or establishment) Department of the Interior		NOTIFICATION TO AGENCY	
2 MAJOR SUBDIVISION Office of Hearings and Appeals		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request, including amendments, is approved except for items that may be marked "disposition not approved or "withdrawn" in column 10	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 Keith Holden	4 TELEPHONE NUMBER 202-219-1563	DATE <i>6/30/10</i>	ARCHIVIST OF THE UNITED STATES <i>[Signature]</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 <u>3</u> 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 June 28, 2010	SIGNATURE OF AGENCY REPRESENTATIVE <i>Keith A. Holden</i>		TITLE Office of the Secretary Records Officer
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
6300	Office of Hearings and Appeals		
6302 6302 2	Director's Office Case Files (Trust)		
6303 6303 2	Interior Board of Indian Appeals (IBIA) Case Files (Trust)		
6304 6304 2	Interior Board of Land Appeals (IBLA) Case Files (Trust)		
6305 6305 2	Departmental Cases Hearings Division (DCHD) Case Files (Trust)		
6306 6306 2	Probate Hearings Division (PHD) Case Files (Trust)  (See Attachment for Description and Disposition)		

# SF 115 Supplementary Cover Sheet

## **Summary:**

This action establishes a new Office of the Secretary disposition schedule entitled:

### **“Office of Hearings and Appeals – Trust Case Files”**

This schedule includes five items that cover previously unscheduled Indian Fiduciary Trust Records. The items are:

- 6302.2 Director’s Case Files (Trust)
- 6303.2 IBIA Case Files (Trust)
- 6304.2 IBLA Case Files (Trust)
- 6305.2 DCHD Case Files (Trust)
- 6306.2 PHD Case Files (Trust)

The contact for this office is:

Janet Goodwin, Principal Deputy Director  
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These items will be incorporated into OHA’s records manual alongside the existing OHA Records Disposition Schedule (N1-048-07-04). Headers are included in this submission for reference.

## **Reason for submission:**

- (1) This action provides for the disposition of permanent records maintained in the Office of Hearings and Appeals that have been previously unscheduled.
- (2) This action addresses OHA’s recordkeeping obligations for Indian Fiduciary Trust Records.

## **6300 Office of Hearings and Appeals.**

### **6302 Director's Office.**

**6302.2 Case Files (Trust).** These files contain both administrative record materials and working papers for appeals handled by the Director's Office involving Indian trust matters (generally matters on review from the Interior Board of Indian Appeals under 43 CFR 4.5). The files cover such topics as Indian probate, various types of leases and rights of way on Indian lands, treaty rights, trespass actions, trust-related ISDA matters, and land sales, exchanges, and encumbrances. 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, internal communications, and reference copies of selected administrative record materials.

The administrative record materials may include Indian Fiduciary Trust Records (IFTR).

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 has expired, for retention/disposition in accordance with its approved records schedule.

Disposition: PERMANENT. Cut off working papers when no longer needed for agency business and send to Federal Records Center. Subsequent legal transfer to the National Archives of the United States will be as jointly agreed to between DOI and NARA.

### **6303 Interior Board of Indian Appeals (IBIA).**

**6303.2 Case Files (Trust).** These files contain both administrative record materials and working papers for appeals handled by IBIA involving Indian trust matters. The files cover such topics as Indian probate, various types of leases and rights of way on Indian lands, treaty rights, trespass actions, trust-related ISDA matters, and land sales, exchanges, and encumbrances. 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, internal communications, and reference copies of selected administrative record materials.

The administrative record materials may include Indian Fiduciary Trust Records (IFTR).

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: PERMANENT. Cut off working papers when no longer needed for agency business and send to Federal Records Center. Subsequent legal transfer to the National Archives of the United States will be as jointly agreed to between DOI and NARA.

### **6304 Interior Board of Land Appeals (IBLA).**

**6304.2 Case Files (Trust).** These files contain both administrative record materials and working papers for appeals handled by IBLA involving Indian trust matters. The files cover such topics as Native allotments (where the claim is upheld) and royalty matters involving Indian lands. 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, internal communications, and reference copies of selected administrative record materials.

The administrative record materials may include Indian Fiduciary Trust Records (IFTR).

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: PERMANENT. Cut off working papers when no longer needed for agency business and send to Federal Records Center. Subsequent legal transfer to the National Archives of the United States will be as jointly agreed to between DOI and NARA.

### **6305 Departmental Cases Hearings Division (DCHD).**

**6305.2 Case Files (Trust).** These files contain both administrative record materials and working papers for hearings handled by DCHD involving Indian trust matters. The files cover such topics as Native allotments (where the claim is upheld), trust-related ISDA matter, and royalty matters involving Indian lands. 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, internal communications, and reference copies of selected administrative record materials.

The administrative record materials may contain Indian Fiduciary Trust Records (IFTR).

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: PERMANENT. Cut off working papers when no longer needed for agency business and send to Federal Records Center. Subsequent legal transfer to the National Archives of the United States will be as jointly agreed to between DOI and NARA.

### **6306 Probate Hearings Division (PHD).**

**6306.2 Case Files (Trust).** These files contain both administrative record materials and working papers for hearings handled by PHD involving Indian probate matters. Administrative record materials include the originals or copies of death certificates, property inventories, heirship information, wills, hearing transcripts, evidence, pleadings, correspondence, briefs, orders, decisions, and other documents received or generated by PHD. Working papers include drafts, notes, research, internal communications, and reference copies of selected administrative record materials.

The administrative record materials contain Indian Fiduciary Trust Records (IFTR).

Guidance: Send administrative record materials to IBIA if PHD 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: PERMANENT. Cut off working papers when no longer needed for agency business and send to Federal Records Center. Subsequent legal transfer to the National Archives of the United States will be as jointly agreed to between DOI and NARA.