

DEPARTMENT OF GENERAL SERVICES
 RECORDS MANAGEMENT DIVISION
 RECORDS RETENTION AND DISPOSAL SCHEDULE

Schedule No.
 1803

Page 1 of 1

Agency
 Office of Administrative Hearings

Division/Unit
 Operations

| Item No. | Description | Retention |
|----------|---|---|
| I. | <p><u>CASE RECORDS</u> This series includes all audio and video tape recordings of hearings conducted by the Office of Administrative Hearings (OAH) and retained by it. This series also includes original "exit" documents which verify the return of original case records to various agencies for whom OAH conducted hearings. The original case files and other documents are retained by the various agencies.</p> | <p>I. Except as indicated below, all case records are retained at OAH for at least one (1) year.</p> |
| IA. | <p><u>AUDIO/VIDEO TAPES:</u> Recordings of hearings conducted by OAH for various agencies.</p> | <p>IA. Generally, retain at OAH for one (1) year, then destroy (may be erased and reused).</p> <p><u>Exceptions:</u> IVA tapes will be retained for three (3) years per COMAR 10.21.01.09D(1) and then destroyed.</p> <p>IGO tapes will be retained for two (2) years and then destroyed.</p> <p>MVA tapes will be retained for six (6) months and then destroyed.</p> |
| IB. | <p><u>EXIT DOCUMENTS:</u> Receipts for files of cases heard by OAH and returned to the parent agency after the hearing.</p> | <p>IB. Exit documents will be retained for three (3) years at OAH, then destroyed.</p> |
| IC. | <p><u>OTHER CASE RECORD MATERIAL</u> A copy of the decision, cover letter and a draft of the decision.</p> | <p>IC. Other case record materials will be retained at OAH for one (1) year and then destroyed. (These materials are duplicated elsewhere, see item #14, DGS form 550-4.)</p> |

Approved by Department, Agency, or Division Representative.

Date February 26, 1996

Signature *John W. Hardwicke*

Type Name John W. Hardwicke

Title Chief Administrative Law Judge

Schedule Authorized by State Archivist.

Date MAR 15 1996

Signature *Edward C. Papenfuss*

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|--|--|--|---|---|
| Instructions - Type or Print a separate form for each new or revised record series, forward with Record Retention Schedule (DGS 550-1) | | DEPARTMENT OF GENERAL SERVICES RECORDS MANAGEMENT DIVISION 7275 WATERLOO ROAD P.O. BOX 275 JESSUP, MARYLAND 20794 | | Page 1 of 4 |
| 1. Department/Agency Office of Administrative Hearings | | 2. Division Operations | | 3. Unit N/A |
| DEFINITION - RECORD SERIES-A group of related records normally filed and used as a unit for reference as well as retention and disposition purposes. | | | | |
| 4. Record Series Title Case Records | | | 5. Earliest Year/Latest Year 1990 to Present | |
| 6. Record Series Description (Briefly describe the types of information/documents/forms found in the series. Include the purpose or function of the series. This series includes all audio and video tape recordings of hearings conducted by the Office of Administrative Hearings (OAH) and retained by it. This series also includes original 'exit' documents which verify the return of original case records to various agencies for whom OAH conducted hearings. The original case files and other documents are retained by the various agencies. The purpose of the series is to verify return of files to agencies to provide a record of the hearing for appeal purposes (audio/video tapes) and to assist in quality control. No appeal period is longer than 30 days, but due to 'red tape' and agency exceptions (cont.) | | | | |
| 7. Record Series Format(s) <input checked="" type="checkbox"/> Letter Size <input type="checkbox"/> Microfilm <input type="checkbox"/> Legal Size <input type="checkbox"/> Computer Tape <input type="checkbox"/> Bound Book <input type="checkbox"/> Floppy Disk <input checked="" type="checkbox"/> Audio Tape <input type="checkbox"/> Video Tape <input type="checkbox"/> Other (specify) _____ | | 8. Record Series Sequence <input checked="" type="checkbox"/> Alphabetical (Some files are maintained by name and date, others by date and case number. All files have a case number.) <input checked="" type="checkbox"/> Numerical <input checked="" type="checkbox"/> Chronological <input type="checkbox"/> Geographical <input type="checkbox"/> Other (specify) _____ | | 9. Volume <input type="checkbox"/> File Drawer(s) <input type="checkbox"/> Microfilm Reel(s) <input type="checkbox"/> Computer Tape(s) <input type="checkbox"/> Other (specify) Number _____ See attachment |
| 11. File is Used <input type="checkbox"/> Daily <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly (use is only occasional, i.e. for appeal or verification) | | 12. File Becomes Inactive After <u>1</u> <input checked="" type="checkbox"/> Month(s) <input type="checkbox"/> Year(s) Number | | |
| 13. Current Location(s) (Bldg., Floor, Room) See attachment | | 14. Is Record Series Duplicated Elsewhere? (If yes, specify agency or office) <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No (See attached explanation) | | |
| 15. Access Restrictions <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If Yes, cite Law(s) & Regulation(s)) (See attached explanation) | | 16. Audit Requirements <input type="checkbox"/> None <input type="checkbox"/> State <input checked="" type="checkbox"/> Federal <input type="checkbox"/> Independent (See attached explanation) | | |
| 17. Is an Index System Used? (If yes, explain briefly and describe any hardware/software. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (See attached explanation) | | 18. Recommended Retention (See attached explanation) | | |
| 19. Name and Title of Preparer James T. Murray Deputy Director of Operations | | 20. Telephone Number 410-321-2042 | | 21. Date February 26, 1996 |

ADDENDUM TO DGS 550-4

6. (cont'd) proceedings, it could take several months before a particular case would become ripe for appeal. Once a case is appealed, a transcript is prepared and maintained with the original case file. In most cases, the only legal significance of video tapes of hearings at the present time is the audio portion. Both video and audio tapes may be used for training/evaluation purposes. Tapes used for evaluation/quality control are used only by OAH and are needed for no more than a year from the hearing date.

9. Informal files/exit documents: total volume is approximately 600 cu. ft. (four hundred fifty 1.2 cu. ft. boxes, plus several shelves [approximately 80,000 tapes].

Tapes: 28 letter size file cabinets, plus forty-two 1.2 cu. ft. boxes (approximately 18,000 tapes).

10. Informal files/exit documents: annual volume is approximately 150 cu. ft. (one hundred twenty-five 1.2 cu. ft. boxes).

Tapes: 15 letter size file cabinets per year (approximately 10,000 tapes).

13. Administrative Law Building, Green Spring Station, 10753 Falls Road, Lutherville, Maryland 21093.

Tapes are retained in the media room in file cabinets and in the media storage room. Other case record materials are retained in the Clerk's Office for a short period and then removed to storage rooms on the second floor.

14. This series includes audio and video tapes of hearings and "informal" case files. The tapes are generally not duplicated unless an appeal is taken. Once an appeal is filed, a transcript is prepared. That transcript is ultimately maintained at the agency on whose behalf the hearing was held. The "exit" documents are multi-part carbonless forms. The top copy is retained at OAH and another copy is to be maintained at the agency with the agency's original case file. An informal file also contains a copy of the completed written decision and a draft of it. The original written decision is placed in the actual case file. The copy of the decision and the draft are used, if at all, by OAH for evaluation/quality control within a year after the decision is written.

15. OAH holds over 200 types of hearings for over 20 executive branch agencies and other government entities. Access to case record information in most cases is not restricted. However, in some kinds of cases case file material is confidential. As detailed in item #18, OAH recommends that case file material it retains not be sent to the State Archives. Paper confidential case record materials retained by OAH will be shredded during the disposal process and tapes would be erased.

16. In some case areas there are federal audit requirements and other kinds of cases are periodically audited by the State. Audits are usually of the case processing and case handling procedures and are conducted using very recent decisions or the original case files retained by the agencies.

17. All OAH cases are given a permanent case number and are indexed by number, name and case type on a UNIX based case management system using a RISC 6000 mini computer. Once a case has been decided, the case is "closed" in the case tracking system. The original case file is returned to the agency and an informal file is created. Informal files are filed alphabetically by date closed. Tapes not returned to the agency with the case file are filed by hearing date and case number.

18. OAH's recommended retention period for all paper case records is three years from the date of the hearing. Beyond that time copies of case record material retained by OAH serve no historical, legal or other purpose. Originals of all pertinent case record materials are retained by the individual agencies. Accordingly, we recommend that after three years the paper case record materials retained by OAH be destroyed and recycled.

OAH's recommended retention period for tapes varies according to case type, legal requirements and historical practice. Tapes of involuntary admission hearings to mental institutions must be maintained for three years per COMAR 10.21.01.09D(1)(c). There is no specific tape retention requirement for any other type of hearing OAH conducts and file activity after the 30 day appeal period is virtually nil. Therefore, OAH proposes the following retention schedule for other hearing types:

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| Inmate Grievance Office (IGO) - hearings | 2 years (at the request of the IGO) |
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| Motor Vehicle Administration hearings | - | 6 months (historical practice; large volume [15,000] tapes per year) |
| All other case types | - | 1 year |

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