

STATE OF ALASKA

RECORDS RETENTION SCHEDULE

Department of Administration Office of Administrative Hearings

Authority: Under AS 40.21.060(4) and AS 40.21.110, the agency shall retain and otherwise manage records in accordance with this schedule.

If this schedule does not cover a record, the agency shall retain and otherwise manage records in accordance with the most current *State of Alaska General Administrative Records Retention Schedules*. If this schedule and the *General Administrative Records Retention Schedules* do not cover a record, the agency must obtain approval to dispose of the record from the Records and Information Management Service.

Disposition: The agency may not destroy permanent records. Notwithstanding any retention period in this schedule or the *Alaska General Records Retention Schedules*, the agency must retain records relevant to ongoing or foreseeable investigations, audits or lawsuits, or responsive to a pending public records request.

Archival Value: Under AS 40.21.030(a)(3), the State Archivist may review for permanent retention all records with potential permanent legal or historical value. All records created prior to 1960 must be retained for review by the Alaska State Archives. This retention schedule does not authorize the transfer of records to any repository other than the Alaska State Archives (AS 40.21.030).

Format and Media: Under AS 40.21.150(6), the retention periods listed on this schedule apply to all electronic and non-electronic records. The agency may store a record in any format as long as the record remains readable and accessible for its retention period. See 4 AAC 59.005.

Accordingly, the agency must, as necessary, periodically update storage media, adopt migration strategies, and implement security plans. Backups produced for data recovery purposes do not serve a recordkeeping function or substitute for archived business essential duplicates.

Essential Designation: Under AS 40.21.060, the agency shall identify, segregate and protect essential records vital to the continuing operation of the agency in the event of natural or man-made disasters. See 4 AAC 59.005(a)(8) and 4 AAC 59.010(5)(E).

Copies: Do not retain copies preserved for convenience or for business essential or data recovery purposes for longer than the retention period of the record copy. See AS 40.21.150(6).

Supersedence: This schedule supersedes: 02-615.1, Department of Administration, Office of Administrative Hearings

Pursuant to the provisions of AS 40.21.030 (b)(10) and 4 AAC 59.005, the records listed on this schedule are approved for retention and disposition as indicated.	Agency CEO/ Division Director	Date:	
	<i>Original signature held on file.</i>	10/1/2018	
	Kathleen Frederick, Chief Administrative Law Judge, Office of Administrative Hearings		
Attorney General/Designee	Date:	Commissioner of Administration/Designee	Date:
<i>Original signature held on file.</i>	3/18/2019	<i>Original signature held on file.</i>	1/8/2019
Alan Birnbaum, Chief Assistant Attorney General, Department of Law		Kelly O'Sullivan, Director, Division of Finance, Department of Administration	
State Archivist	Date:	Records Analyst	Date:
<i>Original signature held on file.</i>	12/27/018	<i>Original signature held on file.</i>	12/27/2018
Karen Gray, State Archivist		Jennifer Treadway, State Records Manager	

Item #	Record Series Title and Description	Retention	Essential	Retention Notes
1	<p>Permanent Fund Appeal Case Files/Health and Social Services Fair Hearing and Administrative Disqualification Case Files</p> <p>This records series contains the appeal record, including the agency file forwarded with case referral, motions and briefs, exhibits submitted before, during, and after hearing, recording (tape/digital) of hearing, and final decision.</p> <p>Arranged by OAH case number.</p>	3		<p>Dispose of records three years after case is closed.</p> <p>Final Decisions are scanned and retained on OAH Case Management system indefinitely and posted to the OAH website (refer to item #004).</p> <p>Information in files may be confidential, e.g., certain documents provided to evidence income, documents filed under seal. Authorities vary. No standard assumption can be applied across the category; confidentiality must be assessed on a case-by-case basis.</p>
2	<p>Child Support Appeal Case Files</p> <p>This records series contains the appeal record, including the agency file forwarded with case referral, motions and briefs, exhibits submitted before, during, and after hearing, recording (tape/digital) of hearing, and final decision.</p> <p>Arranged by OAH case number.</p>	3		<p>Dispose of records three years after case is closed.</p> <p>Final Decisions are removed and retained by OAH prior to archiving for permanent retention. They are also posted to the OAH website (refer to item #004).</p> <p>Information in files may be confidential, e.g., foster care information, certain documents provided to evidence income, documents filed under seal. Authorities vary. No standard assumption can be applied across the category; confidentiality must be assessed on a case-by-case basis.</p>

Inactive Records may be transferred to an approved records center at any time. Complete a Records Transfer List (RTL) and submit to your Records Officer for approval.

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Item #	Record Series Title and Description	Retention	Essential	Retention Notes
3	<p>Appeal and Hearing Case Files (All Others)</p> <p>This records series contains the appeal record, including the agency file forwarded with case referral, motions and briefs, exhibits submitted before, during and after hearing, recording (tape/digital) of hearing, and final decision. Includes files for tax, contract, procurement, occupational licensing and all other categories of appeals referred to the Office of Administrative Hearings, whether pursuant to AS 44.64.030 or otherwise, except for those from caseloads called out for a different retention schedule.</p> <p>Arranged by OAH case number.</p>	6		<p>Dispose of records six years after case is closed.</p> <p>Final Decisions are scanned and retained on OAH Case Management system indefinitely and some are also posted to the OAH website (refer to item #004).</p> <p>Information in files may be confidential, e.g., proprietary data, certain documents provided to evidence income, documents filed under seal. Authorities vary. All cases in this series should be treated as confidential for destruction purposes.</p>
4	<p>Final Decisions (Electronic)</p> <p>Final decisions by administrative law judge are scanned to PDF files permanently retained on state servers. Decisions means a written decision and order document following from a hearing or issued in response to a dispositive motion. It does not include interim or nondispositive orders such as remands.</p> <p>Arranged by OAH case number.</p>	Permanent		<p>Retain records permanently in the office.</p>

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Item #	Record Series Title and Description	Retention	Essential	Retention Notes
5.1	<p>Annual Reports to the Governor and Legislature (Record Copy)</p> <p>The purpose of this records series is to maintain informational copy and record of compliance with requirement to file annual report on activities of the office and hearing participant survey results with the Governor and Legislature each January 31st.</p> <p>Arranged chronologically.</p>	Permanent		Transfer records to State Archives after five years.
5.2	<p>Annual Reports to the Governor and Legislature (Agency Copy)</p> <p>The purpose of this records series is to maintain informational copy and record of compliance with requirement to file annual report on activities of the office and hearing participant survey results with the Governor and Legislature each January 31st.</p> <p>Arranged chronologically.</p>	Permanent		Retain records permanently in the office.

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Item #	Record Series Title and Description	Retention	Essential	Retention Notes
5.3	<p>Annual Reports to the Governor and Legislature (Data & Other Input/Backups)</p> <p>The purpose of this records series is to maintain informational copy and record of compliance with requirement to file annual report on activities of the office and hearing participant survey results with the Governor and Legislature each January 31st. Files contain reports, survey responses and analyses thereof and other data inputs (such as stats from case management database used to develop reports.)</p> <p>Arranged chronologically.</p>	6		Dispose of records six years after fiscal year created.
6	<p>Case Management & Timekeeping Files</p> <p>The purpose of this records series is to maintain a record of case referral and assignments, of time spent on individual cases, to track case management, allow for statistical analyses of caseloads, and provide a basis for billing referring agencies for costs of the administrative adjudication services.</p> <p>Arranged by OAH case number.</p>	Current		Retain records until obsolete, superseded, or administrative need has been met.

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Item #	Record Series Title and Description	Retention	Essential	Retention Notes
7	<p>Code of Hearing Officer Conduct Complaint Files</p> <p>The purpose of this records series is to maintain a record of complaints filed, results of Chief Administrative Law Judge's evaluation of complaints, and referral of complaints to the Attorney General's Office. Files contain complaints, responses and related correspondence.</p> <p>Arranged alphabetically by name of person against whom complaint is made.</p>	5		<p>Dispose of records five years after complaint is closed.</p> <p>Certain information may be confidential during pendency of the investigation, or after an investigation is closed without an adverse finding.</p>
8	<p>Regulations Development Files</p> <p>The purpose of this records series is to maintain a record of the regulations development, public comment and regulations adoption process for (1) the OAH hearing procedure regulations and (2) the Code of Hearing Officer Conduct regulations required by AS 44.64.050 and AS 44.64.060.</p> <p>Arranged numerically by Title, Chapter and Section of regulations.</p>	Current		<p>Retain records until obsolete, superseded, or administrative need has been met.</p> <p>Public review drafts and final versions of regulations, as well as public comments and responsiveness summaries will be maintained in perpetuity.</p>
9	<p>Administrative Regulations Review Files</p> <p>The purpose of this records series is to maintain a record of the OAH Chief Administrative Law Judge's review of and comment on state agency regulations governing administrative appeal and hearing procedures pursuant to AS 44.64.020(a)(8).</p> <p>Arranged chronologically.</p>	3		<p>Dispose of records three years after comment period on proposed regulations is closed.</p>

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