

505F-HEARINGS & APPEALS

Dept #: 14071 Department Name: HEARINGS & APPEALS

RDA #	RDA Title	Retention	Disposition	PII
<u>00001000.</u>	<u>PROBATION AND PAROLE REVOCATION HEARINGS</u>	<u>EVT+7</u>	<u>DEST</u>	<u>Y</u>
	<p>1983 WIS. ACT 27 CREATED THE DIVISION OF HEARINGS AND APPEALS.</p> <p>1989 WIS. ACT 31 (JANUARY 1, 1990) TRANSFERRED THE HEARING PROCESS OF THE PROBATION AND PAROLE FUNCTION OF DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO THE DIVISION OF HEARINGS AND APPEALS, WHICH IS AN INDEPENDENT AGENCY ATTACHED TO THE DEPARTMENT OF ADMINISTRATION.</p> <p>THESE ARE INDIVIDUAL CASE FILES CONTAINING MATERIAL COMPRISING THE OFFICIAL RECORD OF HEARINGS HELD BEFORE THE DIVISION OF HEARINGS AND APPEALS FOR CASES REFERRED BY THE DEPARTMENT OF CORRECTIONS CONCERNING THE RECOMMENDED REVOCATION OF PROBATION/EXTENDED SUPERVISION AND/OR PAROLE OF INDIVIDUAL PROBATIONERS/PAROLEES.</p> <p>RETENTION: EVENT(FINAL DECISION ISSUED) + 7 YEARS AND DESTROY CONFIDENTIAL</p>			
<u>00002000.</u>	<u>NURSING HOME VIOLATIONS AND FORFEITURES</u>	<u>EVT+7</u>	<u>SHSW</u>	<u>N</u>
	<p>INDIVIDUAL CASE FILES CONTAINING ALL MATTERS RELATING TO ADMINISTRATIVE HEARINGS HELD BY THE DIVISION OF HEARINGS AND APPEALS ON ENFORCEMENT ACTIONS BY THE DEPT. OF HEALTH SERVICES UNDER WIS. STATS. SS 50.05(4) AND (5). THESE CASES ALL INVOLVE NURSING HOME STATEMENTS OF DEFICIENCY AND/OR ASSESSMENTS OF FORFEITURE.</p> <p>SOME FILES ALSO CONTAIN MATERIALS GENERATED WHEN THE ADMINISTRATIVE DECISION OF F THE DIVISION OF HEARINGS AND APPEALS WAS APPEALED TO THE STATE COURT SYSTEM.</p> <p>EVENT = CASE FILE CLOSED + 7 YEARS AND TRANSFER TO STATE ARCHIVES (WHS).</p>			
<u>00100000.</u>	<u>PROBATION AND PAROLE REVOCATION CASES - CLOSED, NO HEARING</u>	<u>EVT+1</u>	<u>DEST</u>	<u>Y</u>
	<p>1983 WIS. ACT 27 CREATED THE DIVISION OF HEARINGS AND APPEALS.</p> <p>1989 WIS. ACT 31 (JANUARY 1, 1990) TRANSFERRED THE HEARING PROCESS OF THE PROBATION AND PAROLE FUNCTION OF DEPARTMENT OF HEALTH AND SOCIAL SERVICES TO THE DIVISION OF HEARINGS AND APPEALS (DHA), WHICH IS AN INDEPENDENT AGENCY ATTACHED TO THE DEPARTMENT OF ADMINISTRATION.</p> <p>THESE ARE INDIVIDUAL CASE FILES CONTAINING MATERIAL INITIATING A HEARING REQUEST FOR CASES REFERRED BY THE DEPARTMENT OF CORRECTIONS (DOC) CONCERNING THE RECOMMENDED REVOCATION OF PROBATION/EXTENDED SUPERVISION AND/OR PAROLE OF INDIVIDUAL PROBATIONERS/PAROLEES. THE DIVISION OF HEARINGS AND APPEALS RECEIVES APPROXIMATELY 10,000 HEARING REQUESTS IN A YEAR FROM THE DEPARTMENT OF CORRECTIONS. ABOUT 60% OF THESE CASES NEVER GO TO HEARING. INSTEAD, THEY ARE CLOSED BECAUSE DOC OR THE PROBATIONER/PAROLEE WITHDRAWS THE REQUEST FOR HEARING, OR AN ALTERNATIVE TO REVOCATION IS ARRANGED. AS NO DECISION IS ISSUED BY DHA, THERE IS NOTHING TO APPEAL AFTER THESE FILES ARE CLOSED.</p> <p>RETENTION: EVENT(CASE CLOSED) + 1 YEAR AND DESTROY CONFIDENTIAL * EVENT = DATE THE FILE WAS CLOSED DUE TO WITHDRAWAL OF HEARING REQUEST OR ALTERNATIVE TO REVOCATION AGREEMENT.</p>			
<u>00101000.</u>	<u>WORK/FAMILY SERVICES CASES - CLOSED, NO HEARING</u>	<u>EVT+3</u>	<u>DEST</u>	<u>Y</u>
	<p>1983 WIS. ACT 27- CREATED THE DIVISION OF HEARINGS AND APPEALS (DHA); 1995 WIS. ACT 370 SS 6 (JULY 1, 1996) CREATES WIS. STAT. SS 227.43 (1)(BU) WHICH AUTHORIZES DHA TO HOLD ALL CONTESTED CASES FOR THE DEPARTMENT OF FAMILY SERVICES. 1995 WIS. ACT. 370 SS 6 ALSO CREATES WIS. STAT. SS. 227.43(1)(BY) WHICH AUTHORIZES THE DHA TO HOLD ALL CONTESTED CASES FOR THE DEPARTMENT OF WORKFORCE DEVELOPMENT UNDER WIS. STAT. SUB. CH. III OF CHAPTER 49 (ECONOMIC SUPPORT AND WORK PROGRAMS); 1995 WIS. ACT 27 SS 2069 (JULY 1, 1996) AUTHORIZES THE TRANSFER OF THE LOW INCOME ENERGY ASSISTANCE PROGRAM FROM THE DEPARTMENT OF SOCIAL SERVICES TO THE DEPARTMENT OF ADMINISTRATION; 1995 WIS. ACT 370 MOVES FUNDING TO DHA.</p> <p>THESE ARE INDIVIDUAL CASE FILES CONTAINING MATERIAL FOR CASES CONCERNING FOOD SHARE, MEDICAL ASSISTANCE, FOSTER HOME, DAY CARE CENTER AND MEDICAL CARE FACILITY LICENSING, OTHER CERTIFICATION OR PENALTY ISSUES AND MEDICAID RATE-SETTING AND RECOUPMENT MATTERS, AS WELL AS ISSUES RELATED TO THE WISCONSIN WORKS PROGRAM. THESE ARE CASES WHERE NO HEARING WAS HELD BECAUSE THE PETITIONER WITHDREW THE REQUEST FOR HEARING OR THE CASE WAS ABANDONED. AS NO DECISION WAS ISSUED BY DHA FOR THESE CASES, THERE IS NOTHING TO APPEAL AFTER THESE FILES ARE CLOSED.</p> <p>EVENT = PER 17 U.S.D.A. SS 272.1(F), ALL CLOSED, BY WITHDRAWAL OR ABANDONMENT, RECORDS FOR THESE CASES MUST BE KEPT FOR 3 YEARS FROM THE DATE OF CLOSURE AS THEY ARE SUBJECTED TO AUDITING AND REVIEW BY THE FEDERAL GOVERNMENT.</p>			

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PER WIS. STAT. SS. 137.20, THE ORIGINAL PAPER APPEALS WILL BE IMAGED AND SUBJECTED TO REVIEW TO ENSURE THE IMAGES OF THESE APPEALS ARE ELECTRONICALLY STORED AND THE QUALITY OF THESE IMAGES IS ACCEPTABLE. UPON VERIFICATION OF THE QUALITY AND RETENTION OF THESE ELECTRONIC IMAGES, THE PAPER DOCUMENTS WILL BE KEPT ON SITE FOR 30 DAYS AND THEN CONFIDENTIALLY DESTROYED.

PII APPLY PURSUANT TO WIS. STATS. SS 19.62(5) AND THIS RECORD SERIES IS CONFIDENTIAL PURSUANT TO WIS. STATS. 49.83.

RETENTION: EVENT(DATE CASE CLOSED) + 3 YEARS AND DESTROY CONFIDENTIAL

00321000. WORK/FAMILY SERVICES HEARINGS EVT+7 DEST Y

1983 WIS. ACT 27 - CREATED THE DIVISION OF HEARINGS AND APPEALS (DHA); 1995 WIS. ACT 370 SS 6 (JULY 1, 1996) CREATES WIS. STAT. SS. 227.43(1)(BU) WHICH AUTHORIZES DHA TO HOLD ALL CONTESTED CASES FOR THE DEPARTMENT OF FAMILY SERVICES. 1995 WIS. ACT. 370 SS 6 ALSO CREATES WIS. STAT. SS 227.43(1)(BY) WHICH AUTHORIZES THE DHA TO HOLD ALL CONTESTED CASES FOR THE DEPARTMENT OF WORKFORCE DEVELOPMENT UNDER WIS. STAT. SUB. CH. III OF CHAPTER 49 (ECONOMIC SUPPORT AND WORK PROGRAMS); 1995 WIS. ACT 27 SS 2069 (JULY 1, 1996) AUTHORIZES THE TRANSFER OF THE LOW INCOME ENERGY ASSISTANCE PROGRAM FROM THE DEPARTMENT OF SOCIAL SERVICES TO THE DEPARTMENT OF ADMINISTRATION; 1995 WIS. ACT 370 MOVES FUNDING TO DHA. THESE ARE INDIVIDUAL CASE FILES CONTAINING MATERIAL COMPRISING THE OFFICIAL RECORD OF HEARINGS HELD BEFORE THE DIVISION OF HEARINGS AND APPEALS CONCERNING FOODSHARE, MEDICAL ASSISTANCE, FOSTER HOME, DAYCARE CENTER AND MEDICAL FACILITY LICENSING, OTHER CERTIFICATION OR PENALTY ISSUES AND MEDICAID RATE-SETTING AND RECOUPMENT MATTERS, AS WELL AS ISSUES RELATED TO THE WISCONSIN WORKS PROGRAM.

PER WIS. STAT. SS 137.20, THE ORIGINAL PAPER APPEALS WILL BE IMAGED AND SUBJECTED TO REVIEW TO ENSURE THE IMAGES OF THESE APPEALS ARE ELECTRONICALLY STORED AND THE QUALITY OF THESE IMAGES IS ACCEPTABLE. UPON VERIFICATION OF THE QUALITY AND RETENTION OF THESE ELECTRONIC IMAGES, THE PAPER DOCUMENTS WILL BE KEPT ON SITE FOR 30 DAYS AND THEN CONFIDENTIALLY DESTROYED.

PII APPLY PURSUANT TO WIS. STATS. 19.62(5)
THIS RECORDS SERIES IS CONFIDENTIAL OR ACCESS IS LIMITED PURSUANT TO WIS. STATS. 49.83.

RETENTION: EVENT(FINAL DECISION ISSUED) + 7 YEARS AND DESTROY CONFIDENTIAL

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00290000. ARBITRATION EXHIBITS EVT+4 DEST Y

THIS RECORD SERIES CONTAINS EXHIBITS INTRODUCED AT ARBITRATION HEARINGS CONDUCTED BY THE BOARD UNDER SECTION 289.33 OF THE WISCONSIN STATUTES. THE EXHIBITS MAY INCLUDE CORRESPONDENCE, MAPS, BLUEPRINTS, LANDFILL DESIGN SKETCHES, PHOTOGRAPHIC AERIAL VIEWS OF POTENTIAL LANDFILL SITES, AND GRAPHS. RETENTION IS BASED ON THE POTENTIAL NEED FOR ACCESS BY THE COURTS UNDER SECTIONS 788.09 AND 788.15 STATS.

FOUR YEARS AFTER APPEAL RIGHTS HAVE EXPIRED OR THE APPEAL PROCESS HAS BEEN CONCLUDED EXHIBITS WILL BE DESTROYED UNLESS CLAIMED BY INTERESTED PARTIES.

00291000. BOARD HISTORY CR+10 SHSW N

THIS RECORD SERIES DOCUMENTS THE CREATION AND DEVELOPMENT OF THE BOARD AND PROVIDES AN ON-GOING HISTORICAL PERSPECTIVE. THE RECORDS CONTAIN PROPOSALS RECOMMENDED BY THE AD HOC COMMITTEE APPOINTED TO STUDY THE WASTE ISSUE, SUBSEQUENT STATUTORY CREATION OF THE BOARD BY THE LEGISLATURE, AND CORRESPONDING NEWSPAPER AND MAGAZINE ARTICLES. THE RECORDS ALSO INCLUDE THE BOARD'S ORIGINAL ADMINISTRATIVE RULES AND BY-LAWS AS WELL AS REVISIONS TO THE STATUTE, RULES AND BY-LAWS ENACTED INCLUDE THE BOARD'S ORIGINAL ADMINISTRATIVE RULES AND BY-LAWS AS WELL AS REVISIONS TO THE STATUTE, RULES AND BY-LAWS ENACTED THROUGHOUT THE YEARS.

THIS RECORD SERIES SHOULD BE RETAINED PERMANENTLY BECAUSE IT CONTAINS THE HISTORY OF THE BOARD WHICH IS THE FIRST OF ITS KIND IN THE NATION. THERE IS NO LEGISLATIVE HISTORY AND THIS ORIGINAL MATERIAL HAS AND WILL CONTINUE TO BE THE ONLY AND BEST SOURCE OF INFORMATION ABOUT THE BOARD'S WORK AND CREATION. IN THE PAST, THIS INFORMATION HAS BEEN USED BY BOTH NATIONAL AND INTERNATIONAL UNIVESITIES AND GOVERNMENT ENTITIES.

00295000. SOLID AND HAZARDOUS WASTE CASE FILES EVT+20 SHSW N

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THIS RECORD SERIES CONTAINS INFORMATION PERTAINING TO THE NEGOTIATION-ARBITRATION PROCESS IN THE SITING OF SOLID AND HAZARDOUS WASTE FACILITIES AS REQUIRED BY S. 289.33, WIS. STATS. AND CHS. WFSB 1-12, WIS. ADM. CODE.

ALL INFORMATION BROUGHT FORTH BY ANY PARTY TO A CASE WILL BE RETAINED UNDER THE TERMS OF THIS RDA. INFORMATION CONSISTS OF REQUESTS FOR LOCAL APPROVALS, SITING RESOLUTIONS, ECONOMIC INTEREST STATEMENTS (OR THEIR EQUIVALENTS), NOTICE TO BEGIN NEGOTIATIONS, NOTICE OF CHANGE IN LOCAL COMMITTEE MEMBERSHIP, NOTICE OF PARTIES WAIVING RIGHTS TO PARTICIPATE IN PROCESS, REQUEST FOR MEDIATION, DEFAULT PETITIONS, ARBITRABILITY PETITIONS, ARBITRATION PETITIONS, LEGAL MEMOS, BOARD DECISIONS, COURT RULINGT, SETTLED ARGUEMENTS, SETTLED ARGUEMENTS, AND PERTINENT CORRESPONDENCE.

RETENTION IS BASED ON THE POTENTIAL NEED FOR ACCESS BY THE BOARD, THE DEPARTMENT OF NATURAL RESOURCES, AND THE COURTS. THE RECORDS ARE POTENTIAL SOURCES OF EVIDENCE FOR FUTURE ENFORCEMENT ACTIONS IN THE EVENT OF GROUNDWATER CONTAMINATION. AS SUCH, THEY NEED TO BE RETAINED IN CONJUNCTION WITH DNR'S RECORDS FOR SIGNIFICANT PERIOD OF TIME TO COVER THE EXTENSIVE LIFE CYCLE OF A WASTE FACILITY: APPROVAL 6-8 YEARS; SITE LIFE 10-15 YEARS; LONG TERM CARE BY OWNER 20-30 YEARS; STATE'S CARE PERIOD 10-20 YEARS. IN ADDITION, EXPANSIONS TO A FACILITY ARE ALLOWED, WHICH ARE LIMITED TO A CAP OF 15 YEARS OF ACTIVE SITE LIFE, BUT THERE IS NO SET LIMIT ON THE NUMBER OF EXPANSIONS.

PORTIONS OF THESE FILES ARE INITIALLY MAINTAINED ELECTRONICALLY. THE ELECTRONIC FILES ARE DESTROYED AFTER THEY ARE CONVERTED TO PAPER.

<u>00298000.</u>	<u>MEDIATOR REGISTRATIONS</u>	<u>EVT</u>	<u>DEST</u>	<u>Y</u>
THIS RECORD SERIES CONTAINS COMPLETED MEDIATOR REGISTRATION FORMS. THE BOARD'S MEDIATOR LIST IS COMPRISED OF NAMES TAKEN FROM THESE FORMS. THE BOARD, AFTER RECIEVING A REQUEST FOR THE APPOINTMENT OF A MEDIATOR, SUBMITS TO THE PARTIES A LIST OF 5 NAMES FROM THE MEDIATOR LIST. THESE RECORDS MAY ALSO CONTAIN RESUMES, PUBLICATIONS, AND CORRESPONDENCE EXCHANGED BETWEEN THE BOARD AND POTENTIAL MEDIATORS.				

* SOME PERSONALLY IDENTIFIABLE INFORMATION IN THE RECORDS, SUCH AS SOCIAL SECURITY NUMBERS AND FINANCIAL ACCOUNT NUMBERS, MAY BE CONFIDENTIAL. SEE 5 U.S.C. 552A; SS. 19.36(10)(A) AND (13), WIS.STATS.

<u>00299000.</u>	<u>ANNUAL REPORTS</u>	<u>CR+20</u>	<u>SHSW</u>	<u>Y</u>
THIS RECORD SERIES INCLUDES THE ANNUAL REPORTS OF THE WASTE FACILITY SITTING BOARD AS WELL AS THE STATISTICAL DATA, PROGRAM EVALUATIONS AND OTHER DOCUMENTATION SUPPORTING THE ANNUAL REPORT. THE REPORTS PROVIDE AN HISTORICAL OVERVIEW OF THE AGENCY'S DEVELOPMENT AND FUNCTIONING AND FOR THAT REASON HAVE HISTORICAL AND RESEARCH VALUE.				

CHAPTER 15.07(6) WISC. STATS REQUIRES THAT A BOARD ATTACHED TO A DEPARTMENT NEED ONLY PRODUCE AN ANNUAL REPORT UPON REQUEST FROM THE AGENCY HEAD. THIS AUTHORIZATION APPLIES WHEN A REQUEST IS MADE.

IN ADDITION TO RETENTION UNDER THIS AUTHORIZATION, THE PUBLISHED ANNUAL REPORT IS SUBMITTED TO THE WISCONSIN DOCUMENT DEPOSITORY PROGRAM PER WISCONSIN STATUTES CHAPTER 35, SUBCHAPTER 11.

THIS AMENDMENT COMBINES 0029900 AND 00299A00.

<u>00378000.</u>	<u>BOARD FILES</u>	<u>CR+20</u>	<u>SHSW</u>	<u>N</u>
THIS RECORD SERIES CONTAINS DOCUMENTATION OF THE ACTIVITIES OF THE WASTE FACILITY SITING BOARD. MATERIALS RELATED TO SPECIFIC CASES ARE ADDRESSED SEPARATELY. THE RECORDS IN THIS SERIES INCLUDE, BUT ARE NOT LIMITED TO:				

-- SPEECHES AND OTHER PUBLIC PRESENTATIONS BY THE EXECUTIVE DIRECTOR AND BOARD MEMBERS
 -- DOCUMENTATION OF ALL MEETINGS OF THE BOARD, INCLUDING PUBLIC MEETING NOTICES REQUIRED BY SECTIONS 19.84 OF THE WISCONSIN STATUTES, AGENDA, AGENDA ATTACHMENTS, MEETING MINUTES AND ANY MATERIALS PREPARED FOR OR DISTRIBUTED AT THE MEETING.

-- DOCUMENTATION OF BOARD MEMBERS APPOINTMENTS, SENATE CONFIRMATION AND OATH OF OFFICE, INCLUDING RELATED CORRESPONDENCE AND MEMEOS

-- CORRESPONDENCE TO OR FROM THE WASTE FACILITY SITING BOARD NOT RELATED TO SPECIFIC CASES

RECORDS ARE FREQUENTLY CREATED IN ELECTRONIC FORM AND LATER TRANSFERRED TO PAPER FOR RETENTION. ELECTRONIC FILES ARE DESTROYED UPON CREATION OF THE PAPER COPY.

THIS RDA REPLACES 00292000, 00293000, 00294000, 00297000, 00297A00, 00301000, AND 00301A00, ALL OF WHICH ARE OBSOLETE.

<u>00379000.</u>	<u>ADMINISTRATIVE AND PROGRAMMATIC FILES</u>	<u>CR+4</u>	<u>DEST</u>	<u>N</u>
THIS RECORD SERIES CONTAINS DOCUMENTATION OF ACTIVITIES IN SUPPORT OF THE WASTE FACILITY SITING BOARD. MATERIALS RELATED TO SPECIFIC CASES ARE ADDRESSED SEPARATELY. THESE RECORDS INCLUDE, BUT ARE NOT LIMITED TO:				

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- RESEARCH AND DATA GATHERING TO SUPPORT THE PROGRAMMATIC AND POLICY FUNCTIONS OF THE BOARD. THESE MAY INCLUDE SURVEYS AND SUMMARIES OF LOCAL ORDINANCES AND PROCESSES, DATA CONCERNING THE COSTS AND TIME TO REACH LOCAL AGREEMENTS, ETC. CORRESPONDENCE RELATED TO RESEARCH AND DATA GATHERING IS ALSO INCLUDED. WHEN THIS INFORMATION IS PRESENTED TO THE BOARD IT BECOMES A PART OF THE RECORD OF THE ASSOCIATED BOARD MEETING.
- VARIOUS LOGS AND LISTINGS DESCRIBING THE WORK AND SCHEDULING OF CASES COMING BEFORE THE BOARD.
- MATERIALS DESCRIBING THE NEGOTIATION / ARBITRATION PROCESS EMPLOYED BY THE BOARD
- OPERATIONAL POLICIES AND PROCEDURES MANUALS GOVERNING THE FUNCTIONS OF THE BOARD AND ITS STAFF
- INTERNAL COMMUNICATIONS BETWEEN BOARD AND AGENCY STAFF
- ANY PUBLICATIONS NOT SUBMITTED TO A STATE DOCUMENT DEPOSITORY LIBRARY

RECORDS ARE FREQUENTLY CREATED IN ELECTRONIC FORM AND LATER TRANSFERRED TO PAPER FOR RETENTION. ELECTRONIC FILES ARE DESTROYED UPON CREATION OF THE PAPER COPY.

THIS RDA REPLACES 00296000, 00300000, 00302000, 00302A00, AND 0030300 ALL OF WHICH ARE OBSOLETE.