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## EMPLOYEE BENEFITS SECURITY ADMINISTRATION

### Chapter 21, Files, Case Assignment, and Case Control

1. Introduction. This chapter provides procedures and guidance for maintaining investigative files. There are special rules required for maintaining investigative files obtained through the grand jury. Please refer to Chapter 52, paragraph 14, for further guidance on this issue. EBSA maintains an electronic database to record certain case activity. Instructions for that database are provided separately.
2. Investigative Files. Investigative files will be maintained in the following manner:
  - a. Opening and Retaining Files. A case file must be opened each time an EBSA investigation is initiated. Case files will be given a sequential case number. Each RO shall establish guidelines under which files may be removed from the RO/DO file cabinet so that the Investigators/Auditors can retain them in their offices while working on the cases.
  - b. Maintaining Investigative Files. All material received during the course of the investigation including, but not limited to, reports of interview, statements, documentary evidence, memoranda, and correspondence, will be placed in the case file as soon as possible and maintained there at all times. Investigators/Auditors may make copies of documents they may need to continue the investigation. Ledger sheets or other bulky material which cannot suitably be filed in the case file may be placed in a separate wallet-type folder or other suitable file. This will contain the case number of the file.
  - c. Electronic Information. All material received during the course of the investigation that is in electronic form will be placed in the case file as soon as possible and maintained there to ensure authentication and prevent alteration. If the electronic information is received on a storage medium that can be easily placed in the case file, such as a disk or CD-ROM, the storage medium will be appropriately stored, marked, and maintained in the case file. If the electronic information is received in a manner that cannot be easily placed in the case file, such as a hard drive or server, the storage medium will be appropriately stored, marked, and kept in a suitable location, and referenced in the case file. If the electronic information is directly received in electronic form, such as e-mails or e-mail attachments, the electronic information will be transferred to an appropriate storage medium that will be maintained in the case file.
  - d. Withdrawal of Files. In order to ensure their integrity, case files should not be removed from the RO/DO without the prior written approval of the RD, the Deputy Regional Director, or the District Supervisor. In the event such approval is received and documents are removed, the Investigator/Auditor must document the chain of custody and control of the files and include such documentation within the case file.

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3. Case Assignment and Control. Each RO shall have a system for case assignment and control. If the RO maintains an inventory of cases opened but not assigned to an Investigator/Auditor, the RO's system shall list the case as assigned to the Group Supervisor, District Supervisor, or RD Designee.

a. Case Control. When supervisory review of case files is performed, handwritten administrative notations may be made on the inside of the file covers or in another appropriate, easily referenced manner. Notations will include date of file review, progress of investigation, and other data, which might aid the RD or supervisor in overall supervision and control of the case.

b. Investigator/Auditor Assignment File. The RO will maintain a record of case assignments by Investigator/Auditor name with a further breakdown between those assignments, which are active, and those that are completed. This record will be useful in determining the current workload of employees and in periodically reviewing their assignments.

c. Investigator/Auditor Assignments. When a case is assigned, the Investigator/Auditor will be advised of the assignment and provided with a copy of the case opening documents.

d. Auxiliary Investigations. The RO will maintain a system to identify and manage auxiliary investigations.