

FINAL DETERMINATION

DATE ISSUED AND MAILED: January 25, 2023

IN RE: *Roberta Mendolia v. Pennsylvania Department of Labor and Industry*,
OOR Dkt. AP 2023-0108

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is **DISMISSED** because:

The OOR lacks jurisdiction. On her appeal form, the Requester states that she is appealing the “BYE DETERMINATION UNEMPLOYMENT COMPENSATION BENEFITS” from December 12, 2022. She attached to her appeal form several documents related to an “Extended Benefits Claim[,]” including a Petition for Appeal filed with the Pennsylvania Department of Labor and Industry. The OOR hears appeals of denied RTKL requests involving local and Commonwealth agencies. *See* 65 P.S. § 67.503(a). Accordingly, the OOR does not have jurisdiction over appeals of unemployment compensation benefits decisions.

For this reason, the Department is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.¹

Issued by:

/s/ Joshua Young

Deputy Chief Counsel
Joshua Young

Sent to: Requester (via email); Agency Open Records Officer (via email)

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).