

FINAL DETERMINATION

DATE ISSUED AND MAILED: March 30, 2023

IN RE: *Thomas Gokey v. Pennsylvania Higher Education Assistance Agency*;
OOR Dkt. AP 2023-0666

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 appeal is premature. The Request was submitted to PHEAA on March 18, 2023, a Saturday, and is considered to have been filed on March 20, 2023, the next business day. PHEAA had five (5) business days upon receipt of the Request to respond, or until 11:59:59 p.m. on March 27, 2023. 65 P.S. § 67.901. The appeal was filed on March 26, 2023, a Sunday, and deemed received by the OOR on March 27, 2023, the next business day, prior to the expiration of PHEAA’s time for response. *Id.* The Requester is not prohibited from filing a new appeal of any denial or deemed denial stemming from the Request, pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, PHEAA 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, Esq.

Sent to: Requester (via email);
AORO, Pennsylvania Higher Education Assistance Agency (via email)

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