

## **FINAL DETERMINATION**

DATE ISSUED AND MAILED: November 20, 2023

IN RE: *Glenn Manus v. Pennsylvania Department of Corrections*, OOR Dkt. AP 2023-2801

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 received by the Department on October 31, 2023. The Department timely invoked a thirty-day extension of time to respond on October 31, 2023. 65 P.S. § 67.902(b)(1). Under the extension, the Department has five (5) business days, followed by thirty (30) calendar days, from October 31, 2023 to respond to the Request. 65 P.S. §§ 67.902(b)(1)-(2). As a result, the Department has until December 7, 2023 to respond to the Request. The appeal was postmarked November 13, 2023.

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.<sup>1</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto:oor-postfd@pa.gov). This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

*/s/ Joshua Young*

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Senior Deputy Chief Counsel  
Joshua Young, Esq.

Sent to: Requester (via first class mail);  
Pennsylvania Department of Corrections, Agency Open Records Officer

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