

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 4, 2024

IN RE: *Charles Talbert v. Department of Human Services*, OOR Dkt. AP 2024-2276

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 Open Records Officer for the Department of Human Services (“Department”) received the Request on August 20, 2024. The Department had five business days upon receipt to respond to the Request. 65 P.S. § 67.901. As such, the Department had until 11:59 p.m. on August 27, 2024, to respond. On August 22, 2024, the Department timely invoked a thirty-day extension of time to respond. 65 P.S. § 67.902(b)(1). Under the extension, the Department had five business days, followed by thirty calendar days, from August 20, 2024, to respond to the Request. 65 P.S. §§ 67.902(b)(1)-(2). As a result, the Department had until September 26, 2024, to respond to the Request. The appeal was submitted to the OOR on August 27, 2024.¹

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.² All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Daneen L. Miller-Smith
Daneen L. Miller-Smith
Appeals Officer

Sent to:

Charles Talbert, QA4727 (via first class mail)
Andrea Bankes, AORO

¹ Nothing in this Final Determination precludes the Requester from refileing the Request with the Department and, if necessary, filing an appeal pursuant to 65 P.S. § 67.1101(a).

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).