



FINAL DETERMINATION

DATE ISSUED AND MAILED: June 24, 2026

IN RE: *Harry Woldsmiit v. Pennsylvania Department of Corrections*, OOR Dkt. AP 2026-2274

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

The appeal is premature. The appeal states that the Request was mailed on May 14, 2026, and deemed denied because the Requester did not receive the Department’s response within five business days; however, the Department did not receive the Request until May 21, 2026, and on May 22, 2026, invoked a thirty-day extension during which to respond, 65 P.S. § 67.902(b). See Declaration of Harlee Cuomo, the Department’s Legal Office Administrator, ¶¶ 4-6. Because an appeal may only be filed from the denial or deemed denial of a request and the Department has until June 29, 2026 to respond, the appeal must be dismissed as premature. 65 P.S. § 67.901. The Requester is not prohibited from filing the Request with the Department and, if necessary, filing an appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a)(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, either party 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, but 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 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/ Josh Macel

JOSH MACEL
APPEALS OFFICER

Sent *via* Appeals Portal to: Andrew Filkosky (AORO); Joseph Gavazzi, Esq.
Sent *via* U.S. Mail to: Harry Woldsmiit, KJ3165 (SCI-Huntingdon)

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