

FINAL DETERMINATION

DATE ISSUED AND MAILED: August 21, 2026

IN RE: *Robert Schreiber v. Bensalem Township*, OOR Dkt. AP 2026-3296

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

The appeal is premature. The appeal states that the Request was filed on July 28, 2026 and deemed denied on August 4, 2026; however, the Open Records Officer for the Township states that he never received a copy of the Request because the Request was diverted to his junk folder. Because an appeal may only be filed from the denial or deemed denial of a request, and the Township **did not receive the Request prior to receiving the appeal**, the appeal must be dismissed as premature. 65 P.S. § 67.901. The Requester is not prohibited from filing an appeal of the Township’s final response to the Request¹ pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the Township is not required to take any further action as it relates to this appeal. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Bucks County Court of Common Pleas. 65 P.S. § 67.1302(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.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/ Catherine R. Hecker

CATHERINE R. HECKER
APPEALS OFFICER

Sent to: Robert Schriber, Requester
John Chaykowski, AORO

¹ On August 18, 2026, the Township submitted a response to the Request. Because the OOR does not have jurisdiction over an appeal of the denial of a RTKL request until after the Request has been received by the agency and has been either denied or deemed denied, the OOR does not have jurisdiction over the Township’s denial of the Request in this appeal. The Requester is not prohibited from filing a separate appeal of the Township’s denial of the Request.

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