



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 2, 2026

IN RE: *Justin Byers v. New Castle City*, OOR Dkt. AP 2026-3589

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 untimely. The Request was submitted to New Castle City (“City”) on June 26, 2026, and the City invoked an extension of time to respond on July 2, 2026. When the City did not respond within the extension period, the Request was deemed denied on August 5, 2026.¹ Appeals of deemed denied Right-to-Know requests must be filed within 15 business days of the date of the deemed denial, or by August 26, 2026 in this instance. 65 P.S. § 67.1101(a)(1). The appeal was submitted to the OOR on August 31, 2026. The Requester is not prohibited from refileing the Request and, if necessary, filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the City 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 Lawrence 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/ Joshua T. Young

Joshua T. Young, Esq.
Senior Deputy Chief Counsel

Sent to: Requester, Agency Open Records Officer, New Castle City

¹ Because July 3, 2026 was the Independence Day holiday, it was not included in the calculation of the City’s five day response period.

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