



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 3, 2026

IN RE: *Joseph Battaglia and Bricklayers & Allied Craftworkers Local 1 v. Chester County Intermediate Unit 24*, OOR Dkt. AP 2026-2754

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 the Chester County Intermediate Unit 24 (“Intermediate Unit”), it is determined that the appeal is **DISMISSED** because:

The appeal is premature. The appeal states that the Request was emailed to the Intermediate Unit on July 1, 2026 and deemed denied on July 8, 2026; however, the Intermediate Unit submitted evidence that it was closed on July 3, 2026 in observance of the Fourth of July holiday. *See* Heagy Attestation ¶¶ 2-4. The Intermediate Unit had five business days, or until July 9, 2026 to respond to the Request. The Requester filed this appeal on July 9, 2026 arguing that he had not received a response to the Request and the Request was deemed denied. Because the Intermediate Unit had until July 9, 2026 to respond to the Request, the appeal must be dismissed as premature.¹ 65 P.S. § 67.901. The Requester is not prohibited from filing the Request with the Intermediate Unit 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 Intermediate Unit 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 Chester 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 via the OOR Portal to: Joseph Battaglia
Janice Heagy, AORO
Bethany O’Neill, Esq.

¹ The Intermediate Unit submitted evidence that it issued a Final Response granting the Request on July 9, 2026.

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