



FINAL DETERMINATION

IN THE MATTER OF

**EVAN WOOD,
Requester**

v.

**PENNSYLVANIA STATE CIVIL SERVICE
COMMISSION,
Respondent**

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Docket No: AP 2026-3366

FACTUAL BACKGROUND

On July 7, 2026, Evan Wood (“Requester”) submitted a request (“Request”) to the Pennsylvania State Civil Service Commission (“Commission”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*,¹ seeking the following:

[Item] 1. All records held by the ... Commission concerning [the Requester], LEOT 4019, LEOT 4015, Pennsylvania State Police, Bureau of Liquor Control Enforcement, eligibility, list removal, non-selection, background review, suitability review, or appeal rights.

[Item] 2. All records concerning whether a LEOT application disqualified or removed from consideration after a background, polygraph, suitability criminal history, or military-record review may appeal to the ... Commission.

[Item] 3. All policies, procedures, manuals, guidance, training materials, matrices, rubrics, forms, or written standards concerning appeal rights for job seekers or applicants challenging eligibility decisions, list removal, non-selection for appointment, background disqualification, suitability disqualification, or hiring-process disqualification.

¹ Although the Request was dated and mailed on June 25, 2026, it was not received by the Commission until July 7, 2026. See August 31, 2026 Commission Position Statement, pp. 1, 25-26.

[Item] 4. All records concerning appeal deadlines, triggering events, required notices, appeal forms, filing locations, or exhaustion requirements for job seekers or applicants challenging eligibility decisions, list removal, nonselection, background disqualification, suitability disqualification, or hiring process disqualification.

[Item] 5. All records concerning communications between [the Commission] and PSP or OA regarding LEOT applicant appeal rights, LEOT background disqualification, LEOT suitability disqualification, LEOT non-selection, LEOT eligibility, LEOT list removal, or LEOT applicant review paths.

[Item] 6. All records concerning communications between [the Commission] and PSP or OA regarding Evan Robert Wood, LEOT 4019, LEOT 4015, military-record classification, CHRIA, USERRA, veterans' preference, disability/accommodation issues, or appeal rights.

[Item] 7. All current public-facing or internal instructions, checklists, guidance, or templates used by [Commission] staff to process appeals by job seekers or applicants challenging eligibility, list removal, non-selection, or background/suitability disqualification.

[Item] 8. All records concerning whether [the Commission] has received, routed, reviewed, docketed, rejected, or otherwise processed any inquiry appeal, complaint, communication, or document involving [the Requester] and LEOT 4019 or LEOT 4015.

[Item] 9. All records concerning how [the Commission] distinguishes EEO complaints, civil service appeals, eligibility appeals, list-removal appeals, non-selection appeals, and background/suitability disqualification appeals for Commonwealth job seekers.

[Item] 10. All policies, procedures, manuals, guidance, or templates concerning referral of misdirected appeals or inquiries to another Commonwealth agency or office when [the Commission] determines that an appeal or inquiry has been sent to the wrong office.

On August 3, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Commission partially granted the Request, providing six records in response to Items 2-4, seven email templates in response to Item 10 and a link to where the August 16, 2026 updated Rules of the Commission are publicly accessible online. The Commission also partially denied the Request, asserting that records responsive to Items 1 and 5-9 do not exist. In addition,

the Commission explained, in part, that it has not received a Civil Service Appeal Request from the Requester.

On August 17, 2026, the Requester appealed to the Office of Open Records (“OOR”), limiting the appeal to the denials of Items 7-10 of the Request and stating grounds for disclosure.² The Requester further argued, in part, that a good faith search for those records was not conducted, that additional responsive records must exist and that the responsive records are subject to the redaction provisions of 65 P.S. § 67.706. The OOR invited both parties to supplement the record and directed the Commission to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On August 18, 2026, the Commission submitted an extension request, seeking additional time until September 9, 2026 to supplement the record. On August 19, 2026, the Requester filed an objection to any extension. That same day, the OOR extend the submission period for both parties until September 1, 2026.³

On August 31, 2026, the Commission submitted a position statement, reiterating its grounds for denial and further asserting that the appeal is moot, in part, to the extent it concerns the Model-Hiring-Manual-For-Pennsylvania-Municipalities (“Model Hiring Manual”) PDF,

² Specifically, the Requester stated that, “The challenged portions include, at minimum, the Commission’s categorical nonexistence findings for Items 7 and 9, the narrowed treatment of Item 8 as if it asked only for a formal Civil Service Appeal Request, and the incomplete Item 10 production where the production itself identified an attachment that was not produced.” Requester Appeal, p. 4. Based on this statement, the Requester has waived all issues concerning Items 1-6 of the Request because he did not identify those records as being at issue on appeal, or challenged the Commissions’ responses thereto. Therefore, Items 1-6 will not be further addressed in this Final Determination.

³ See 65 P.S. § 67.1102(b)(3) (stating that “the appeals officer shall rule on procedural matters on the basis of justice, fairness, and the expeditious resolution of the dispute”). Without the Requester’s agreement to the extension of the Final Determination due date in this appeal, the OOR was unable to grant him “five business days after service of the Commission’s merits submission to file a focused response,” as sought in his August 19, 2026 objection. See 65 P.S. § 67.1101(b)(1) (“Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a)”); see also *UnitedHealthcare of Pa., Inc. v. Baron*, 171 A.3d 943, 952 (Pa. Commw. Ct. 2017) (noting that a requester “is not entitled to rebuttal for the sake of having the last word”); *Jensen v. Pa. Dep’t of Corr.*, No. 317 C.D. 2023, 2024 Pa. Commw. Unpub. LEXIS 108, *8 (finding that a requester did not have a due process right to respond to the agency’s position statement).

which was disclosed on appeal. The Commission also argued, in part, that a good faith search was conducted and that no additional responsive records exist. In support of its position, the Commission submitted the attestation of Shannon Griegel (“Griegel Attestation”), Commission Agency Open Records Officer (“AORO”) and Legal Services Office Administrative Officer 1, which is made subject to penalties under 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.

To date, the Requester has not further supplement the record.

LEGAL ANALYSIS

The Commission is a Commonwealth agency subject to the RTKL. 65 P.S. § 67.301. Records in the possession of a Commonwealth agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the Commission is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as “‘... such proof as leads the factfinder ... to find that the existence of a contested fact is more probable than its nonexistence.’” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep’t of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)). Likewise, “[t]he burden of proving a record does not exist ... is placed on the agency responding to the right-to-know request.” *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011) (citing 65 P.S. § 67.708).

1. The appeal is moot in part

On August 28, 2026, the Commission provided a copy of the Model Hiring Manual, which is responsive to Item 10 of the Request, to the Requester. *See* Griegel Attestation, ¶ 47.⁴ The Requester has not raised any issues for the OOR to adjudicate with respect to that record. Accordingly, as it pertains to the information that was disclosed during the pendency of this matter, the instant appeal is dismissed as moot. *See Chester Water Auth. v. Pa. Dep’t of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records and, thus, “the controversy has been mooted”).

2. The Commission demonstrated that no additional responsive records exist

On appeal, the Commission argues that a good faith search was conducted, and that the disclosed records are the only responsive records that exist. In response to a request for records, “... an agency shall make a good faith effort to determine ... whether the agency has possession, custody or control of the identified record[.]” 65 P.S. § 67.901. While the RTKL does not define the term “good faith effort,” in *Uniontown Newspapers, Inc. v. Pa. Dep’t of Corr.*, the Commonwealth Court stated:

As part of a good faith search, the open records officer has a duty to advise all custodians of potentially responsive records about the request, and to obtain all potentially responsive records from those in possession... When records are not in an agency’s physical possession, an open records officer has a duty to contact agents within its control, including third-party contractors ... After obtaining potentially responsive records, an agency has the duty to review the records and assess their public nature under ... the RTKL.

⁴ Under the RTKL, a sworn affidavit or statement made under the penalty of perjury may serve as sufficient evidentiary support. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Off. of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any evidence that the Commission has acted in bad faith, “... the averments in the [attestation] should be accepted as true.” *McGowan v. Pa. Dep’t of Env’tl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Off. of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (citations omitted) (*Uniontown Newspapers I*), *aff'd*, 243 A.3d 19 (Pa. 2020) (*Uniontown Newspapers II*). An agency must show, through detailed evidence submitted in good faith from individuals with knowledge of the agency's records, that it has conducted a search reasonably calculated to uncover all relevant documents. *See Burr v. Pa. Dep't of Health*, OOR Dkt. AP 2021-0747, 2021 PA O.O.R.D. LEXIS 750; *see also Mollick v. Twp. of Worcester*, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011).

In support of its position, the Commission submitted the attestation of Ms. Griegel, who is familiar with its records and conducted the search. *See* Griegel Attestation, ¶¶ 1-4, 10-44. The Commission's attestation affirms that it "conducts public hearings of appealed personnel actions, renders decision on appeals, and records the Commission's findings and conclusions under the authority of Act 71 of 2018." *Id.* at ¶ 5. As part of the Commission's search, Ms. Griegel searched "the Commission's Docket System[,] which is an electronic database containing filed civil service appeals, for records responsive to Items 1 and 8 of the Request using "the Requester's last name and first initial." *Id.* at ¶¶ 10-13, 36. In addition, she "manually searched in the inbox, all sub-folders, and the deleted emails folder" and or "conducted a keyword search" of the same of the Commissions two email resource accounts – ra-cs-legalsvcsqanda@pa.gov and ra-csappealhearing@pa.gov – using the "Requester's email address and [] name." *Id.* at ¶¶ 11, 15-17, 36. However, Ms. Griegel did not locate any records responsive to Items 1 or 8. *Id.* at ¶¶ 14, 18-19, 37-38.⁵

⁵ Contrary to the Requester's argument, the Griegel Attestation is sufficient to demonstrate that the Commission did not improperly narrow Item 8 of the Request, but instead searched for all of the records sought in that Item. Further, a review of the Final Response reflects that because part of Item 8 sought records concerning an appeal involving the Requester, the Commission merely informed him that it had not received a Civil Service Appeal Request from the Requester.

The Commission's attestations further affirm that Ms. Griegel searched "[t]he Commission's L-Drive[,] which 'is the Legal Office's online server and archive[,]'" for records responsive to Items 2, 3, 4, 7, 9 and 10. Griegel Attestation, ¶¶ 22-23, 25, 33-34, 39-40. As a result she only located the Rules of the Civil Service Commission (Effective March 28, 2019); Part III Civil Service Reform of Title 71 (known as Act 71 of 2018); the Appeals Booklet (issued May 1, 2019); a link to the Pennsylvania Code website containing updated Rules of the Civil Service Commission; and two Appeal Request Forms (Revised July 2024 and 2025), which were all disclosed with the Final Response. *Id.* at ¶¶ 22, 24, 26, 45. However, Ms. Griegel did not locate any records responsive to Items 7 or 9 of the Request. *Id.* at ¶¶ 35, 41. In addition the Commission's attestation affirm that Ms. Griegel also searched the two email resource accounts for records responsive to Items 5, 6 and 10 of the Request. *Id.* at ¶¶ 27, 30, 42-43. As a result, she located the seven email templates with attachments that were disclosed with the Final Response and the Model Hiring Manual that was provided on appeal. *Id.* at ¶¶ 44-45, 47. However, no records responsive to Items 5 and 6 were located. *Id.* at ¶¶ 28-29, 31-32.⁶

Although the Requester argues that he believes some of the disclosed records are also responsive to Items 7 and 9 of the Request, such does contradict the Commission's attestation or show that any additional responsive records actually, do, in fact, currently exist. Further, as to the Requester's argument that he sent an email on August 18, 2025, "with the subject 'Misclassification of Military Court-Martial - LEOT Disqualification,' [and] attachment Notice_of_Appeal_Wood.pdf,"⁷ the Commission's evidence establishes that Ms. Griegel searched

⁶ Additionally, the Final Response previously informed the Requester that: ...[E]ffective March 28, 2019, civil service recruit-to-hire functions (i.e., job applications, job postings, qualification reviews, eligibility determinations, examination and test results, veteran's preference eligibility, reinstatement) as well as other employment topics transferred to the [Pennsylvania] Governor's Office of Administration in accordance with Act 71 of 2018.

⁷ See Requester Appeal, pp. 5, 7-10.

the Commission's email resources accounts, including the one the August 18, 2025 email was allegedly sent to, but she did not find that record. Moreover, the Requester acknowledges that "a sent-message record proves that Gmail transmitted or attempted to transmit the message[,]” but “[i]t does not, by itself, prove that the ... Commission's mail server received, accepted, routed, or retained it.” Requester Appeal, pp. 5, 9-10.

Accordingly, based on the appeal record presently before the OOR, the Commission has established, by a preponderance of the evidence, that a good faith search was conducted, and that, other than the disclosed records, no additional responsive records exist within the possession, custody or control of the Commission. *See Pa. Dep't of Health v. Mahon*, 283 A.3d 929, 936 (Pa. Commw. Ct. 2022) (explaining that “[i]t is questionable to what degree additional detail and explanation are necessary to establish the nonexistence of a record rather than its exemption from disclosure”) (quoting *Hodges*, 29 A.3d at 1192); *Campbell v. Pa. Interscholastic Athletic Ass'n*, 268 A.3d 502 (Pa. Commw. Ct. 2021) (noting that an agency need only prove the nonexistence of records by a preponderance of the evidence, the lowest evidentiary standard, and is tantamount to a “more likely than not” inquiry).

CONCLUSION

For the foregoing reasons, the appeal is **denied in part** and **dismissed as moot in part**, and the Commission is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to 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.⁸ 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 OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: September 9, 2026

/s/ Megan Burns

MEGAN BURNS
APPEALS OFFICER

Sent via OOR Portal to: Evan Wood; Shannon Griegel, AORO; and Johnathan Buchanan, Esq.

⁸ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).