



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 18, 2026

IN RE: *Nancy Verruto v. Pennsylvania Department of Labor and Industry*, OOR Dkt. AP 2026-3853

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

The appeal is premature. The appeal states that the Request was filed on August 24, 2026 and deemed denied on August 31, 2026; however, the Department submitted evidence that it invoked a thirty-day extension to respond to the Request which was sent to the Requester via email on August 27, 2026. *See* Gray Attestation. Because an appeal may only be filed from the denial or deemed denial of a request, and the Department timely invoked a thirty-day extension to respond to the appeal, the appeal must be dismissed as premature. 65 P.S. § 67.901. Upon receipt of the Department’s final response or if the Request is deemed denied, the Requester is not prohibited from 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 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 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/ Catherine R. Hecker

CATHERINE R. HECKER
APPEALS OFFICER

Sent to: Nancy Verruto
Maria Gray
Carly Bellini, Esq.

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