

FINAL DETERMINATION

DATE ISSUED AND MAILED: October 6, 2026

IN RE: *Michael Diebold v. Leechburg Borough*, OOR Dkt. AP 2026-3997

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 premature. The appeal states that the Request (“Request”) was filed on August 13, 2026 and received by Leechburg Borough (“Borough”) on the same date. The Borough timely invoked a thirty-day extension of time to respond on August 13, 2026. Under the extension, the Borough had five business days, followed by thirty calendar days, from August 13, 2026 to respond to the Request. 65 P.S. §§ 67.902(b)(1)-(2). As a result, the Borough had until September 21, 2026 to respond to the Request.¹ The appeal was received by the OOR on September 18, 2026. Therefore, the appeal must be dismissed as premature. 65 P.S. § 67.901. The Requester is not prohibited from filing a new appeal to the OOR of any denial or deemed denial stemming from the Request, pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

For this reason, the Borough is not required to take any further action in this appeal. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Armstrong 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; however, 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 OOR website at: <http://openrecords.pa.gov>.

Issued by:

/s/ *Bandy L. Jarosz*

BANDY L. JAROSZ, ESQ., APPEALS OFFICER

Sent via portal only to: Michael Diebold; DJ Zelczak

¹ The Borough’s August 13, 2026 extension letter indicates the Borough would provide a final response by September 13, 2026; however, where a thirty-day extension is invoked, the Borough is entitled to five business days followed by thirty calendar days to respond, or September 21, 2026, as the thirtieth day fell on Saturday, September 19, 2026. 65 P.S. § 67.902(b)(1)-(2).

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