pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
JONATHAN ACOSTA,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4411**
	:	
PENNSYLVANIA DEPARTMENT OF LABOR AND INDUSTRY,	:	
Respondent	:	

On September 30, 2026, Jonathan Acosta ("Requester") submitted a request ("Request") to the Pennsylvania Department of Labor and Industry ("Department") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking "copies of all documents provided by [the Requester's former] employer Amazon.com Services LLC [('Amazon')],…for separation dated 02/11/2025," as referenced in a certain September 8, 2026 email stating, "'Amazon did provide documentation to the Department[']…for Rule Violation. Specifically, the termination letter/separation notice dated 02/11/25, [an identified] investigation file…, and any signed acknowledgment alleged."

On October 7, 2026, the Department denied the Request, arguing that the responsive records are exempt under 65 P.S. § 67.708(b)(28)(ii)(B); Section 766(b) of the Unemployment Compensation Law ("UCL"), 43 P.S. §§ 751 *et seq*.; the Unemployment Compensation confidentially regulations, 34 Pa. Code. § 61.25; and Section 101.54(b) of the Unemployment

Compensation Board of Review regulations. The Department also stated that as a party to a UC proceeding, the Requester could submit a request for a transcript of a hearing or audio file to the UC Board of Review Appeals System Administrator.

That same day, the Requester appealed to the Office of Open Records ("OOR"), challenging the denial and stating grounds for disclosure. Specifically, he argued that he is the UC claimant, seeking his own documents, and that per 65 P.S. § 67.706, the UC notes can be redacted and the "non-exempt letter" can be disclosed.[1] The OOR invited both parties to supplement the record and directed the Department to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On October 13, 2026, the Requester submitted screenshots related to an Amazon investigation and the Requester's request to the UC Board of Review under 34 Pa.Code § 101.54 for the same records.

On October 22, 2026 the Requester filed an attestation ("Acosta Attestation I"), pertaining, in part, to his separation from Amazon.[2]

On October 22 and 29, 2026, the Department filed two extension requests, which were granted by the OOR, ultimately extending the parties' submission period to November 5, 2026.[3]

---

[1] The Requester's additional forgery claim, alleging that the signature on the termination letter is not his, is outside the scope of the appeal and the purview of the OOR.

[2] The Requester also asked the OOR to conduct an "in camera review of termination letter + audit log (timestamp/IP/badge)[.]" The OOR declines to do so because it has the necessary information and evidence before it to adjudicate this matter. Further, the Request does not expressly seek an audit log; therefore, to the extent that the Requester is now attempting to modify or expand that request on appeal to seek that record, such is impermissible and cannot be considered by the OOR. *See, e.g., McKelvey v. Off. of the Att'y Gen.*, 172 A.3d 122, 125 (Pa. Commw. Ct. 2017); *Michak v. Pa. Dep't of Pub. Welfare*, 56 A.3d 925, 930 (Pa. Commw. Ct. 2012). Nothing in this Final Determination prevents the Requester from submitting a new RTKL request to the Department for an audit log, and, if necessary, filing a new appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a).

[3] On October 30, 2026, upon the agreement of the Requester, the OOR extended the deadline for the issuance of the Final Determination in this matter to December 3, 2026. *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)").

On October 30, 2026, the Department submitted a position statement, reiterating its grounds for denial, along with the attestation of Melissa Trambley ("Trambley Attestation"), Unemployment Compensation Appeals Systems Administrator of the Department UC Board of Review Division.

In response, that same day, the Requester filed his second attestation ("Acosta Attestation II"),[4] reiterating his previous arguments and challenging the sufficiency of the Department's attestation and search.

On November 5, 2026, the Department, made a submission, reiterating, in part, its previous arguments.

Based upon my review of the appeal and evidence, I make the following conclusions of law and findings of fact:

- The Department demonstrated that a good faith search occurred.[5] Ms. Trambley, who is familiar with the Department's records and "the policies and procedures of the UC [Board of Review] Division in carrying out its duties[,]" conducted the search by examining all locations where responsive records would be located if they existed, and inquired with relevant Department personnel. Trambley Attestation, ¶¶ 1-6. As a result, Ms. Trambley "determined that all the records that exist constitute an individual's unemployment compensation records[,]" and she "recommended that [the Department] refer [the] Requester to the [UC] Board of Review for transcripts and/or audio recordings of testimony." *Id.* at ¶¶ 7-8. While

[4] All three of the parties' attestations are made pursuant to 18 Pa.C.S. § 4904.
[5] *See* 65 P.S. § 67.901 ("an agency shall make a good faith effort to determine if the record requested is a public record…and whether the agency has possession, custody or control of the identified record"); s*ee also Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, 185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018), *aff'd*, 243 A.3d 19 (Pa. 2020) (defining the term "good faith effort" to include the open records officer advising all custodians of potentially responsive records about the request, obtaining all such records from those in possession, contacting agents within its control and reviewing the records to assess their public nature under the RTKL).

the Department's attestation could have been more detailed, the Request expressly seeks copies of all documents provided by Amazon to the Department for the Requester's UC claim, and the Department asserts that it determined that the UC Board of Review was the most likely custodian of responsive records. Accordingly, contrary to the Requester's arguments, the Department has established, by a preponderance of the evidence, that a good faith search was conducted.

- As previously noted, the Request expressly seeks the termination letter/separation notice, investigation file and any signed acknowledgment that were provided to the Department by Amazon for the Requester's UC claim.[6] Such information constitutes UC information that is made confidential by Section 766(b) of the UCL[7] and its implementing regulations.[8] *See, e.g., Salcito v. Pa. Dep't of Labor & Indus*., OOR Dkt. AP 2025-1866, 2025 PA O.O.R.D. LEXIS 2248; *King v. Pa. Dep't of Labor and Indus.*, OOR Dkt. AP 2022-0667, 2022 PA O.O.R.D. LEXIS 1034. While Section 61.25(a)(3)(ii) permits disclosure to a "claimant…to the extent necessary for the proper determination of the claimant's application for benefits and claims for compensation[,]" 34 Pa. Code § 61.25(a)(3)(ii), such a disclosure is within the discretion of the Department. Therefore, based upon the evidence

[6] *See Pa. Game Comm'n v. Fennell*, 149 A.3d 101 (Pa. Commw. Ct. 2016) (holding that the OOR must consider uncontradicted statements in the appeal filing when construing exemptions); *see also Off. of the Governor v. Davis*, 122 A.3d 1185 (Pa. Commw. Ct. 2015) (*en banc*) (holding that an affidavit may be unnecessary when an exemption is clear from the face of the record).

[7] Section 766(b) of the UCL states that "[i]nformation [obtained from employers]...shall not be made public or be open to public inspection, other than to the members of the [UC Board of Review], the officers and employees of the [D]epartment and other public employees in the performance of their duties...." 43 P.S. § 766(b).

[8] Section 61.25 of the Department's regulations defines "[UC] information" as:

> Information in the possession of the Department or the [UC Board of Review] pertaining to the administration of the [UCL] which reveals the name or any other identifying particular about an employer, employee or claimant or which could foreseeably be combined with publicly available information to reveal any identifying particular.

34 Pa.Code § 61.25(a)(1)(i).

presented, the Department has demonstrated that any responsive records that may exist are confidential under Section 766(b) of the UCL and its implementing regulations, and the OOR is unable to order their release, in redacted form or otherwise.[9,10]

For the foregoing reasons, the appeal is **denied**, and the Department 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.[11] 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: November 25, 2026

/s/ Megan Burns

_____

MEGAN BURNS
APPEALS OFFICER

Sent via OOR Portal to: Jonathan Acosta; Maria Gray, AORO; and Robert Schramm, Esq.

[9] Disclosure under 34 Pa.Code § 61.25(a)(3)(ii) is within the discretion of the Department, and the OOR is without authority to compel the Department to exercise that discretion in favor of disclosure in this matter. *See, e.g., Salcito*, 2025 PA O.O.R.D. LEXIS 2248, *10, n.4; *Moncada v. Pa. Dep't of Labor and Indus.*, OOR Dkt. AP 2016-0739, 2016 PA O.O.R.D. LEXIS 892 (finding that unemployment compensation records were confidential under Section 766 of the UCL even where the requester claimed he was the victim of identity theft). While the Requester may be a UC claimant, his identity and motivation for seeking the records are irrelevant in determining whether they are accessible under the RTKL. *See e.g., Hunsicker v. Pa. State Police*, 93 A.3d 911, 913 (Pa. Commw. Ct. 2014); *Cafoncelli v. Pa. State Police*, 2017 Pa. Commw. Unpub. LEXIS 405, *9-10 (Pa. Commw. Ct. June 5, 2017) (citations omitted) ("Under the RTKL, a record is either available to the public at large as a public record or it is shielded from disclosure").

[10] Based on these determinations, the OOR need not address the Department's alternative grounds for denial. *See Jamison v. Norristown Borough Police Dep't*, OOR Dkt. AP 2011-1233, 2011 PA O.O.R.D. LEXIS 927.

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