Pennsylvania
Office of Open Records

Pennsylvania Office of Open Records
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FINAL DETERMINATION

DATE ISSUED AND MAILED: November 25, 2026

IN RE: *Amy Austra Gerneth v. East Union Township*, OOR Dkt. AP 2026-4947

Upon review of the appeal filed with the Office of Open Records ("OOR") to the above-referenced docket number, as well as the parties' submissions, the appeal is **GRANTED**:

The Request seeks a resignation letter from a named East Union Township ("Township") police officer. On November 8, 2026, the Township submitted the attestation of its Open Records Officer, Michael Gaizick ("Gaizick Attestation"), which confirms that the requested resignation letter is contained the officer's personnel file but that, at the time of the Request, the Township's Board Of Supervisor's did not "act[] on the resignation by accepting it, and… memorializing…[the discharge] in the [public] meeting minutes." *See* Gaizick Attestation, ¶¶ 4-9; 65 P.S. § 67.708(b)(7)(viii). However, following the Commonwealth Court's opinion in *Fruchter v. Borough of Malvern*, resignation letters of agency employees are generally public records under the RTKL, as they are not a record relating to the discharge of an agency employee. 303 A.3d 530, 538 (Pa. Commw. Ct. 2023); *see also Rosica v Chester County*, OOR Dkt. AP 2026-3831, 2026 PA O.O.R.D. LEXIS 76; *Fishel v. Goldsboro Borough*; OOR Dkt. AP 2026-4176, 2026 PA O.O.R.D. LEXIS ___. Also, there is no evidence that the letter contains any direct criticism of the named police office or other exempt information.[1]

For these reasons, within thirty days, the Township shall provide a copy of the responsive resignation letter. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Schuylkill 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/ Erika Similo

ERIKA SIMILO
APPEALS OFFICER

Sent via OOR e-filing portal to: Amy Austra Gerneth; Michael Gaizick

[1] To the extent the letter contains any information subject to 65 P.S. § 67.708(b)(6)(i)(A), it may be redacted.
[2] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).