



FINAL DETERMINATION

IN THE MATTER OF

**BARBARA GIRDISH,
Requester**

v.

**PENNSYLVANIA DEPARTMENT
OF CORRECTIONS,
Respondent**

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Docket No.: AP 2020-2292

The Office of Open Records (“OOR”) received the above-captioned appeal under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* For the following reasons, the appeal is dismissed.

On October 20, 2020, Barbara Girdish (“Requester”), an inmate at SCI-Muncy, filed an appeal with the OOR, challenging the Pennsylvania Department of Corrections’ (“Department”) denial of her request filed pursuant to the RTKL.¹

On November 12, 2020, the OOR issued an Order notifying the Requester that the appeal was deficient because it failed to include a complete copy of the request and the Department’s response. The OOR informed the Requester that she was required to cure the deficiency and directed

¹ The Requester’s appeal was placed in the Pennsylvania Department of Corrections’ mail system on October 20, 2020, and pursuant to the “prisoner mailbox rule,” is considered filed on that date. *See Commonwealth v. Jones*, 700 A.2d 423, 426 (Pa. 1997).

her to file a complete copy of the request and the Department's response pursuant to 65 P.S. § 67.1303(b). To date, the Requester has not complied with the OOR's Order.²

By failing to include a copy of the request and Department's response, the record in this appeal is not sufficient. Without these documents, the OOR does not have a complete record upon which to base its determination. Additionally, the OOR would be unable to present a complete record on appeal to an appellate court as required by Section 1303(b) of the RTKL. As Requester has failed to comply with the OOR's Order, this matter is **dismissed**.

The file is now closed and no further action will be taken. This Final Determination is binding on the parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Commonwealth Court. *See* 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 Section 1303 of the RTKL. 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.³ This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: December 2, 2020

/s/ Erin Burlew

APPEALS OFFICER
ERIN BURLEW, ESQ.

Sent to: Barbara Girdish, PA8221 (via US mail only);
Tara Wikhian, Esq. (via email only);
Andrew Filkosky (via email only)

² On December 1, 2020, the Requester sent correspondence confirming that she is unable to provide copies of the necessary documents due to her incarceration. However, as explained above, the OOR requires these documents in order to adjudicate the appeal.

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