

FINAL DETERMINATION

DATE ISSUED AND MAILED: February 8, 2019

IN RE: *Marcus Bellamy v. Pennsylvania Department of Corrections*, OOR Dkt. AP 2019-0195

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 deficient for the reason(s) specified below. Accordingly, the appeal is **DISMISSED**.

- Appeal filed beyond fifteen (15) business days of denial/deemed denial.
- Appeal failed to include a copy of the Request and/or agency Response.
- Appeal failed to state why records are public records and/or address agency grounds for denial.
- OOR lacks jurisdiction over agency from which records are sought or local agency criminal investigative records.
- Request does not seek records.
- Other: Appeal is untimely. Request denied on December 20, 2018. Appeals must be filed “within 15 business days of the mailing date of Agency’s response.” 65 P.S. § 67.1101(a)(1). Here, the appeal was due on January 14, 2019 and the appeal was postmarked February 4, 2019. Requester is not prohibited from refiling the Request and filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review 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 Section 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.¹

Issued by:

/s/ Kyle Applegate

Appeals Officer
Kyle Applegate

Sent to: Marcus Bellamy, Requester (via first class mail only);
Andrew Filkosky, Agency Open Records Officer (via email only)

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