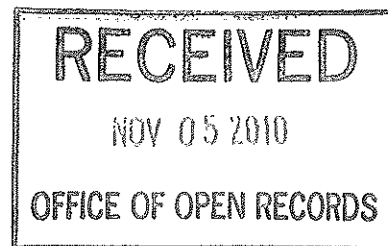


Thomas Wisniewski
EN-9105
SCI Smithfield
P.O. Box 999, 1120 Pike Street
Huntingdon, PA 16652



November 2, 2010

Ms. Lucinda Glinn
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

re: **Reconsideration of Final Determination**
AP 2010-0884, Wisniewski v. Department of Corrections ("Department")

Dear Ms. Glinn:

It is necessary to respectfully request a reconsideration of the Final Determination where the appeal was dismissed as moot. This is important since this appeal was erroneously dismissed as moot solely based upon a belief regarding an submission of a Report from the Department of Corrections that was never received.

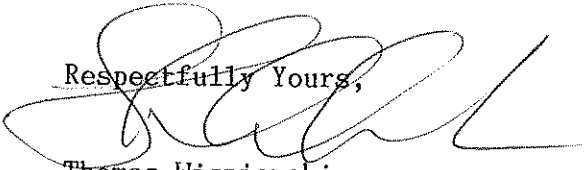
As described in the Final Determination, references are made to a submission by the Department during the pendency of the appeal, that the DOC noted that it denied the Request in error and provided 383 pages at no cost to the Requester, showing the rejected orders and reasons for the rejection with corresponding dates ("Report"). It further states that the DOC submitted a copy of the Report to the OOR.

However, I never received a copy of this referenced Report, nor did I receive the 383 pages, as referred to by this alleged Report. As soon as I received your 10/22/10 correspondence requesting whether I deemed the Request satisfied and if I was willing to withdraw the appeal, I immediately sent you a response, as dated 10/28/10, but it appears to have crossed in the mail with the Final Determination. It clearly describes in the response (10/28/10) that the Department of Corrections never provided me with either a submission nor the 383 copies as referred by this submission.

Since I have not received any submission from the Department referring to their denial, as being an error, it appears that either this Request has been lost in the mail, or you are being intentionally mislead. Therefore, it is necessary to reopen this matter and dismiss this Final Determination until the Department of Corrections complies with actually providing the information that was the subject matter as presented on appeal.

Thank you for your attention in this matter and I will look forward to your prompt response. I remain,

Respectfully Yours,



Thomas Wisniewski,
EN-9105

cc: Mr. Andrew Filkosky, Department Open Records Officer
file



pennsylvania
OFFICE OF OPEN RECORDS

November 19, 2010

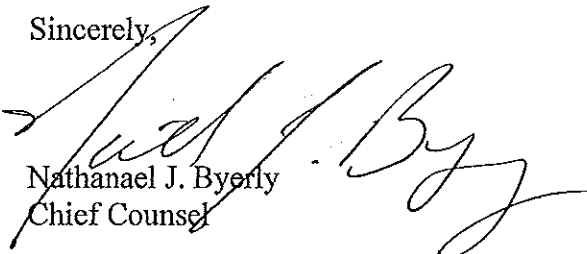
Thomas Wisniewski
EN-9105
SCI Smithfield
PO Box 999, 1120 Pike Street
Huntington, PA 16652

RE: Petition for Reconsideration, OOR Dkt. AP 2010-0884

Dear Mr. Wisniewski:

We are in receipt of your Petition for Reconsideration that was received by this office on November 5, 2010 in connection with the Office of Open Records Final Determination docketed as *Wisniewski v. Department of Corrections*, OOR Dkt. AP 2010-0884. We hereby deny your Petition.

Sincerely,


Nathanael J. Byerly
Chief Counsel

cc: Terry Mutchler, Executive Director, Office of Open Records
Theron Perez