BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

MOJAVE UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024070649

ORDER VACATING ORDER TO SHOW CAUSE

AUGUST 15, 2024

On July 18, 2024, Student, through his attorney, filed a request for due process, also called a complaint, with the Office of Administrative Hearings, called OAH, naming Mojave Unified District as respondent. The case asserted both expedited and non-expedited claims. On August 5, 2024, Student's counsel failed to appear for the prehearing conference on the expedited portion of the case, and an order to show cause as to why costs should not be shifted to Student's counsel was issued. A hearing was scheduled for Friday, August 16, 2024, at 9:30 to address the order to show cause.

On August 9, 2024, Student's counsel filed a response to the order to show cause. OAH received no reply to Student's counsel's response from Mojave.

Student's response to the order to show cause included a sincere apology, a complete explanation for the error and information regarding how Student's counsel personally, and his firm in general, had changed practices to avoid the occurrence of a similar scheduling error in the future. Student's counsel emphasized his acknowledgment of personal responsibility for the failure to appear, despite the explanation for how it occurred. Student's counsel also stated that, upon notification of his failure to appear he immediately called and apologized to Mojave's counsel.

Student's counsel has adequately taken responsibility for the failure to appear. Student's counsel, who regularly represents clients before this tribunal, is not known to habitually miss scheduled appearances. This appears to have been an honest error on counsel's part. Costs will not be shifted. The hearing on the Order to Show Cause, scheduled for 9:30 am on Friday August 16, 2024, is vacated.

IT IS SO ORDERED.

Penelope Pahl

Penelope S. Pahl
Administrative Law Judge
Office of Administrative Hearings