BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: ELK GROVE UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2016020899 ORDER GRANTING REQUEST FOR RECONSIDERATION AND DENYING MOTION TO CONTINUE

On June 23, 2016, the undersigned presiding administrative law judge issued an order denying Mr. James Peters' motion to continue the order to show cause hearing, scheduled for June 24, 2016. On June 23, 2016, Mr. Peters filed a motion for reconsideration. No response has been received from Elk Grove Unified School District. .

APPLICABLE LAW

The Office of Administrative Hearings will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See, e.g., Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION

Reconsideration

Mr. Peters alleges new facts in support of the request reconsideration, He provides June 27 and June 28 as dates he is unavailable due to funeral services for a family member. He otherwise alleges he will be busy with arrangements for out of town guests, that he is out of town and that he is in the midst of two dozen tasks related to the death. The motion is accompanied by a sworn declaration. The motion is timely.

Accordingly, Mr. Peters' request for reconsideration is Granted..

Motion to Continue

On reconsideration, the motion to continue is denied. Mr. Peters' has not shown good cause regarding his unavailability for a telephonic hearing on June 24, 2016 at 9:00 a.m.. Being "out of town" does not make him unavailable for a telephonic hearing. He has also not alleged that he is unavailable for good cause during the time scheduled for the hearing. The matter is denied. The parties were notified by telephone this morning of the ruling.

ORDER

Motion for Reconsideration is Granted.

Based on reconsideration, the motion to continue us denied. .

IT IS SO ORDERED.

DATE: June 24, 2016

DocuSigned by:
Margaret Broussard
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MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings