BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. TORRANCE UNIFIED SCHOOL DISTRICT.	OAH Case No. 2013040212 ORDER DENYING MOTION FOR RECONSIDERATION

On September 9, 2014, Student, through his parent, filed with the Office of Administrative Hearings a Notice for Rehearing or Dismissal of Ruling with Good Cause Showing. Student is attempting to seek reconsideration of two written orders of OAH, which dismissed the instant matter. Student's pleading is deemed a motion for reconsideration of OAH's orders of dismissal in 2013.

PROCEDURAL HISTORY OF CASE

On April 5, 2013, Student filed a Request for Due Process Hearing (complaint) with OAH. The complaint alleged four issues pursuant to the Americans with Disabilities Act of 1990 and the Unruh Act.

On April 19, 2013, Torrance Unified School District filed a Notice of Insufficiency. On April 22, 2013, OAH, per ALJ Stella Owens-Murrell, found that all four issues were insufficient and permitted Student to file an amended complaint within 14 days from the date of the order. Student failed to file an amended complaint.

On May 8, 2013, Torrance filed with OAH a request to dismiss the matter with prejudice for failing to file an amended complaint. Student filed an objection to the motion on May 14, 2013 and an opposition on May 15, 2013. Torrance filed a reply to Student's opposition. On May 16, 2013, Student filed an objection to Torrance filing its reply.

On May 20, 2013, OAH, by ALJ Owens-Murrell, issued an order dismissing the matter without prejudice. On July 20, 2013, OAH, by Division Presiding Administrative Law Judge Kopec, issued another order dismissing the matter on grounds of failure to file an amended complaint.

DISCUSSION

Student's convoluted motion is almost 11 pages long. Student appears to be attacking a decision rendered by OAH in another case (OAH Case No. 2013010162). Student makes no real reference to the instant matter. Student neither fails to address the delay in seeking reconsideration of OAH's dismissal orders timely nor cites any reason why she failed to timely file an amended complaint per the April 22, 2013 order.

OAH 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.) Code of Civil Procedure Section 1008 requires that a motion or request to reconsider a ruling must be filed within 10 days of the entry of the order.

Thus, even if Student was requesting a reconsideration of the May 20, 2013 order or the July 13, 2013 order dismissing the matter, Student has failed to timely file her motion. Accordingly, Student's motion is denied.

ORDER

Student's motion for reconsideration is hereby DENIED.

DATE: September 16, 2014

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings