BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTERS OF:

PARENTS ON BEHALF OF STUDENT,

AND

LOS ANGELES UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBERS 2022030687 AND 2022040604

ORDER GRANTING PEREMPTORY CHALLENGE

JUNE 2, 2022

On June 1, 2022, Los Angeles filed a notice of peremptory challenge to Administrative Law Judge Penelope Pahl in the above captioned matter. Los Angeles's peremptory challenge is made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act, and California Code of Regulations, title 1, section 1034.

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) In no event will a peremptory challenge be allowed if it is made after the hearing has commenced. In addition, if at the time of a scheduled prehearing

conference, an ALJ has been assigned to the hearing, any challenge to the assigned ALJ shall be made no later than commencement of that prehearing conference. (Cal. Code Regs., tit. 1, § 1034, subd. (c).) A peremptory challenge is not allowed on reconsideration or remand. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Due to OAH's operational need, ALJ Pahl was assigned after the prehearing conference. The external calendar was updated on June 1, 2022, and a courtesy telephone call was made to the parties that day giving notification of the changed assignment. Accordingly, the peremptory challenge is timely made and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c). Los Angeles asked that the matter be reassigned to ALJ Ravandi, who conducted the prehearing conference. That request cannot be accommodated. The matter is now assigned to ALJ Charles Marson for the due process hearing.

IT IS SO ORDERED.

Joy Redmon

Joy Redmon
Presiding Administrative Law Judge
Office of Administrative Hearings