BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

DUBLIN UNIFIED SCHOOL DISTRICT.

OAH CASE NUMBER 2024070605

ORDER GRANTING REQUEST FOR RECONSIDERATION AND REVERSING DISMISSAL

AUGUST 22, 2024

On July 17, 2024, Student filed a due process hearing request, called a complaint, with the Office of Administrative Hearings, referred to as OAH, naming Dublin Unified School District. On July 26, 2024, Dublin filed a notice of insufficiency as to the complaint.

On July 29, 2024, the undersigned Administrative Law Judge issued an order determining Student's complaint insufficient and allowing Student 14 days from the date of the order to file an amended complaint. On August 12, 2024, Student filed an amended complaint with OAH. On August 12, 2024, OAH issued a notice of case dismissal.

On August 15, 2024, Student filed a request for reconsideration and reversal of the dismissal of Student's complaint.

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, generally within ten days. (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.)

Student offers new facts, circumstances, or law to support reconsideration. Student timely filed the motion for reconsideration. The motion for reconsideration is granted.

On reconsideration, OAH's July 29, 2024 order required Student to file an amended complaint no later than 14 days after issuance of the order. Student filed his amended complaint on the 14th day after OAH issued the order. OAH issued the dismissal notice minutes after Student filed the amended complaint. Student had until 5:00 PM on August 12, 2024, to file his amended complaint. Student timely filed his amended complaint. Accordingly, OAH's dismissal order is reversed.

OAH will issue a new scheduling order regarding Student's amended complaint.

IT IS SO ORDERED.

Cole Dalton

Cole Dalton

Administrative Law Judge

Office of Administrative Hearings