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 DENYING REQUEST FOR RECONSIDERATION

On June 6, 2016, at about 3:30 p.m., Mr. James Peters III, Student's advocate, filed a motion to continue the hearing in this matter, scheduled on June 7, 2016. At about 4:05 p.m., the parties were notified by telephone that the undersigned Presiding Administrative Law Judge denied the request for continuance. At about 4:25 p.m., Mr. Peters' assistant called the Office of Administrative Hearings and was informed again that the motion was denied and that the hearing was going forward as scheduled. The assistant stated that neither Mr. Peters nor his client would show up at the hearing. After the denial of the request was communicated to the parties, and after his assistant spoke directly with OAH staff, Student filed a document consisting of a declaration with a signature and part of another document with a signature. There was no motion or other request accompanying these pages.

A written order denying the motion to continue was issued on the morning of June 7, 2016. At 9:30 a.m., ALJ Charles Marson was prepared to begin the hearing, however, he waited until approximately 10:30 a.m., to give the parties time to read the written order denying the continuance and to give Parent and Mr. Peters time to arrive at the hearing. Mr. Peters made no attempt to contact OAH or ALJ Marson. ALJ Marson attempted to reach Mr. Peters twice by phone before beginning the hearing. Upon the first phone call, the receptionist transferred ALJ Marson to a number where there was no answer; and, Mr. Peters' voicemail was full. When ALJ Marson called a second time and the receptionist answered, ALJ Marson explained that he did not reach Mr. Peters and that the voicemail was full. She transferred him to what she described as another line and, like the first line, there was no answer and the voicemail was also full, so no message could be left.

The hearing began and testimony was completed in early afternoon. Elk Grove Unified School District delivered a closing argument, the record was closed and the matter submitted for decision. A notice of no action was served on the parties regarding the signature pages received the previous afternoon.

On June 9, 2016, OAH received a motion for reconsideration of the order denying the continuance from Mr. Peters[1]. This motion is 36 pages in length, alleges that there are new facts and circumstances, and is accompanied by a signed declaration. On June 9, 2016, Elk Grove filed an opposition to the motion for reconsideration.

The motion to reconsider the denial of the continuance is denied as moot. The hearing has been held and the matter submitted for decision. Therefore, the matter cannot be continued at this time.

IT IS SO ORDERED.

DATE: June 14, 2016

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Margaret Broussard
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MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings

[1] The motion for reconsideration was received at 5:53 p.m. on June 8, 2016 and is considered filed on the next business day, June 9, 2016.