BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

MURRIETA VALLEY UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2025051034

OAH CASE NUMBER 2025050648

ORDER DENYING CHALLENGE FOR CAUSE AND REQUEST FOR RECUSAL

JUNE 5, 2025

On June 2, 2025, Administrative Law Judge Ted Mann, Office of Administrative Hearings, or OAH, held a prehearing conference, or PHC, by videoconference. An Administrative Law Judge is referred to as an ALJ. Both parties made appearances at the PHC. At the PHC, ALJ Mann granted Murietta Valley's motion to consolidate and motion to continue.

On June 3, 2025, Student filed a request for recusal seeking to disqualify ALJ Mann from hearing this case. On June 3, 2025, Student filed an updated request for recusal. The only apparent material difference between the two filings was an assertion

in the updated filing indicating that Student intended to file a federal complaint against the ALJ for violating Title 20 section 1425(0) [sic]. Student's challenge does not specify whether it is intended to be a peremptory challenge or challenge for cause.

APPLICABLE LAW

Government Code section 11425.40, subdivision (d), establishes the criteria for disqualification of the presiding officer. A party is entitled to one peremptory challenge, or disqualification without cause, to an ALJ assigned to an OAH 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 and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Student's Request for Recusal cites no legal authority, and it is unclear whether the request is intended as a peremptory challenge or as a challenge for cause. Here, Student made the challenge to ALJ Mann after the PHC had been held. Accordingly, any peremptory challenge must be denied as untimely.

An ALJ may be disqualified for bias, prejudice, or interest in the proceeding. (Gov. Code, § 11425.40, subd. (a).) The following, without further evidence of bias, prejudice, or interest, are not by themselves grounds for disqualification:

- The ALJ is or is not a member of a racial, ethnic, religious, sexual, or similar group and the proceeding involves the rights of that group;

- The ALJ has experience, technical competence, or specialized knowledge of, or has in any capacity expressed a view on, a legal, factual, or policy issue presented in the proceeding; or
- The ALJ has as a lawyer or public official participated in the drafting of laws or regulations or in the effort to pass or defeat laws or regulations, the meaning, effect, or application of which is in issue in the proceeding. (Gov. Code, § 11425.40, subd. (b).)

In other words, to disqualify an ALJ for cause, a factual showing of actual bias or prejudice is required. (See *American Isuzu Motors, Inc. v. New Motor Vehicle Board* (1986) 186 Cal.App.3d 464, 472.) For example, in order to be a basis for disqualification, the financial interest of the ALJ in the outcome of the case must be direct, personal, and substantial, rather than slight. (*Haas v. County of San Bernardino* (2002) 27 Cal.4th 1017, 1031.) Personal involvement in the case by the ALJ or familial connections may warrant disqualification based solely on the probability of bias. (See *Clark v. City of Hermosa Beach* (1996) 48 Cal.App.4th 1152, 1170-1173.) However, in most other cases, including claims of bias arising from the hearing officer's personal or political views, disqualification will not occur absent a showing of actual bias. (*Haas*, *supra*, at p. 1032.)

For the recusal analysis, Parent's contentions are looked at if they are from a "reasonable person [which] in this context means a well-informed, thoughtful observer, as opposed to a hypersensitive or unduly suspicious person." (*Clemens v. U.S. Dist. Ct. for Cent. Dist. of California* (9th Cir. 2005) 428 F.3d 1175, 1178.)

A plain reading of Student's challenge indicates that Student believes that the ALJ is biased towards Murrieta Valley and against Student, thus indicating a challenge for cause.

Student's challenge for cause does not demonstrate the ALJ's actual bias, prejudice, or interest in the proceeding. Rather, Student simply cited their conclusions or assumptions regarding purported favoritism or bias as the basis for the determinations and rulings made by the ALJ regarding the motion for consolidation and the motion for continuance. Such conclusions are insufficient to demonstrate bias, prejudice, or interest in the proceeding.

Parent's disagreements with ALJ Mann's rulings in this case and others are not grounds to disqualify ALJ Mann. (*See Liteky v. United States* (1994) 510 U.S. 540, 555; "Judicial rulings alone almost never constitute a valid basis for a bias or partiality motion."). As such, Student's challenge for cause does not meet the requirements under the law for the recusal of an ALJ for cause.

ORDER

Student's motion challenging ALJ Mann both as a peremptory challenge and challenge for cause and seeking to disqualify ALJ Mann from hearing this case is denied. All dates previously set in this matter are confirmed. The hearing of the consolidated cases will begin on Tuesday, July 29, 2025, at 9:30 AM and continue day to day at the discretion of the ALJ.

IT IS SO ORDERED.

Ted Mann

Ted Mann
Administrative Law Judge
Office of Administrative Hearings