BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. LIBERTY UNION HIGH SCHOOL DISTRICT.	OAH Case No. 2017040078 ORDER DENYING PEREMPTORY CHALLENGE

On April 25, 2017, the parties were notified telephonically that Administrative Law Judge Charles Marson was assigned to the expedited hearing in this matter, scheduled to begin on May 2, 2017, at Liberty Union High School District. From that time forward, ALJ Marson was also showing as the assigned ALJ on the Office of Administrative Hearings calendar, which is accessible to the parties online through the OAH website.

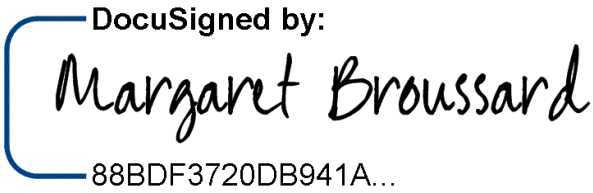
On May 1, 2017, Student filed a notice of peremptory challenge to ALJ Marson in the above captioned matter[i]. Student's peremptory challenge is made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act, and California Code of Regulations, title 1, section 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).) If the hearing is to be held at a site other than an OAH regional office, the peremptory challenge of the assigned ALJ shall be made by noon on Friday prior to the week in which the hearing is to commence. (Cal. Code Regs., tit. 1, § 1034, subd. (e).)

Student's peremptory challenge is not timely and is denied pursuant to California Code of Regulations, title 1, section 1034, subdivision (e).

IT IS SO ORDERED.

DATE: May 1, 2017



MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings

[i] OAH received the peremptory challenge at 7:18 p.m. on Friday, April 28, 2017. Because it was received after hours, it is considered filed on May 1, 2017.