BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. PARLIER UNIFIED SCHOOL DISTRICT.	OAH Case No. 2016080347 ORDER DENYING REQUEST FOR RECONSIDERATION

On October 7, 2016, Student sent in a request asking to exercise a peremptory challenge regarding ALJ Dena Coggins, asking that ALJ Theresa Ravandi be reassigned to hear this matter, and that the order vacating the prehearing conference dated October 5, 2016 be rescinded. The peremptory challenge has been granted by separate order and the remaining requests are being construed as a motion for reconsideration.

APPLICABLE LAW

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. (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.)

DISCUSSION

Student alleges no new facts, circumstances, or law in support of the request reconsideration. Instead, Student expresses his preference that ALJ Ravandi to hear this matter and his desire not to have the previous prehearing conference order vacated.

This matter was originally assigned to ALJ Carlson. She heard the expedited portion of this matter and issued a decision. She is not available to hear non-expedited portion of this matter. When ALJ Carlson became unavailable, the matter was reassigned, for operational reasons to ALJ Ravandi, and the parties were notified. ALJ Ravandi subsequently became unavailable to hear this matter. ALJ Coggins was then assigned. Student's peremptory challenge regarding ALJ Coggins was granted in a separate order. However, Student may not choose the ALJ assigned to the hearing after using his peremptory

challenge. OAH assigns the administrative law judges to hearings based upon operational needs. The request to reassign ALJ Ravandi is denied.

The request to reconsider the order vacating the prehearing conference is also denied. The parties are scheduled to participate in a new prehearing conference with ALJ Freie on October 7, 2016 at 3:00 p.m.

IT IS SO ORDERED.

DATE: October 7, 2016

/s
MARGARET BROUSSARD
Presiding Administrative Law Judge
Office of Administrative Hearings