BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. LOS ANGELES UNIFIED SCHOOL DISTRICT,	OAH Case No. 2017020060
LOS ANGELES UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2017041186 ORDER DENYING REQUEST FOR RECONSIDERATION

On May 9, 2017, the undersigned Administrative Law Judge issued an order consolidating Student's case with District's case. On May 10, 2017, Student filed a motion for reconsideration on behalf of Student. On May 15, 2017, District filed an opposition to the motion.

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's motion is accompanied by a sworn declaration by his counsel, Eric Esteban. Mr. Esteban alleges first receiving notice of District's motion to consolidate on May 9, 2017,

in the form of the undersigned ALJ's order granting the motion. However, District's motion to consolidate included a proof of service reflecting service of the motion on Mr. Esteban on April 26, 2017, by way of both facsimile and overnight mail.

District's opposition to Student's motion for reconsideration is accompanied by a sworn declaration by Simonia White, District's legal secretary. Ms. White affirmed serving District's motion to consolidate, along with District's complaint, on Student's counsel by facsimile on April 26, 2017. The attached facsimile confirmation page reflects successful transmission of the documents to Student's counsel at 4:24 p.m. on April 26, 2017.

Student's motion does not show new or different facts, circumstances, or law justifying reconsideration. Student received the motion on April 26, 2017. Twelve days passed between Student's receipt of the motion and issuance of the undersigned ALJ's order. Student fails to provide a credible reason for failure to respond to District's motion within this time period. Accordingly, Student's request for reconsideration is denied.

ORDER

Motion for Reconsideration is Denied.

IT IS SO ORDERED.

DATE: May 17, 2017

DocuSigned by:

COLE DALTON
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Administrative Law Judge
Office of Administrative Hearings