BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. KERN COUNTY SUPERINTENDENT OF SCHOOLS.	OAH Case No. 2016040211 ORDER GRANTING PEREMPTORY CHALLENGE

On May 27, 2016, Student filed a peremptory challenge, seeking to disqualify Administrative Law Judge Alexa Hohensee from hearing the above captioned matter. 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).) 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 peremptory challenge is timely made and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c).

ALJ Caroline Zuk is assigned to the matter, and today's 1:00 PHC trailed to 3:00 PM, as ordered below.

ORDER

1. Student's challenge of ALJ Hohensee is granted

2. Administrative Law Judge Caroline Zuk will hear this matter.

3. The previously set prehearing conference is trailed to 3:00 PM today, May 27, 2016.

4. The hearing dates remain as scheduled.

DATE: May 27, 2016

DocuSigned by:
June Lehrman
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JUNE R. LEHRMAN
Presiding Administrative Law Judge
Office of Administrative Hearings