BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: LEGAL GUARDIAN ON BEHALF OF STUDENT, v. GRAVENSTEIN UNION SCHOOL DISTRICT.	OAH CASE NO. 2013060983 ORDER DENYING REQUEST FOR RECONSIDERATION

On July 18, 2013, the undersigned administrative law judge (ALJ) issued an order finding that Student's complaint was insufficient and giving Student 14 days to file an amended complaint. On July 22, 2013, Student, through his advocate, filed a pleading entitled "RE: ALJ Darrell Lepkowsky Decision of Order Determining Amended Complaint to be Insufficiently Plead in its Entirety." Student asserts that his due process rights were violated by the finding that his amended complaint was insufficient. Student asks for an immediate hearing date from the Office of Administrative Hearings (OAH) to consider his issues. Student then adds a section to the pleading entitled "Amended Review of Complaints."

It is not entirely clear if Student is asking for reconsideration of the ALJ's July 18, 2013 Order or if his pleading is meant to be a second amended complaint. To the extent that Student's July 22 pleading is intended to be a request for reconsideration of the ALJ's Order finding his amended complaint insufficient, his request for reconsideration is denied.[1]

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

[1] On July 25, 2013, Student filed a pleading entitled "Amended Request for Complaint Investigation," which OAH is filing as Student's Second Amended Complaint. In a separate Order, OAH will issue a Scheduling Order and Notice of Due Process Hearing with regard to Student's Second Amended Complaint.

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 AND ORDER

Student reiterates his position that his amended complaint was sufficient. However, Student alleges no new facts, circumstances, or law in support of the request reconsideration. Student merely believes that the ALJ incorrectly found his amended complaint to be insufficient. Since Student has supplied to additional basis for a different analysis of his amended complaint, Student's request for reconsideration is denied.

IT IS SO ORDERED.

Dated: July 26, 2013

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings