

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

LOS ALAMITOS UNIFIED SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2015031013

ORDER DENYING PEREMPTORY CHALLENGE

On April 29, 2015, Student filed a peremptory challenge seeking to disqualify Administrative Law Judge Caroline Zuk from hearing this case. Student had previously, on April 2, 2015, filed a previous peremptory challenge to ALJ Judith Pasewark, which was granted on April 2, 2015.

Student's peremptory challenge is made pursuant to Government Code section 11425.40, subdivision (d), of the Administrative Procedures Act (APA), and California Code of Regulations, title 1, section 1034.

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).) Student's peremptory challenge is therefore denied. Student is only entitled to one such peremptory challenge, and has already exercised it. If Student is seeking to challenge ALJ Zuk for

cause, Student may file a motion so titled, and provide factual and legal support for such a challenge for cause.

IT IS SO ORDERED.

DATE: April 30, 2015

JUNE R. LEHRMAN

Presiding Administrative Law Judge

Office of Administrative Hearings