

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015061024

ORDER GRANTING/DENYING
REQUEST FOR RECONSIDERATION

On July 10, 2015, the parties filed a joint request for continuance. The parties requested hearing dates of September 29 through October 2, 2015. On July 13, 2015, the Office of Administrative Hearings granted the request for continuance, but did not grant the specific dates requested by the parties. On July 14, 2015, unaware that the proper procedure would be to file a specific request for reconsideration, the parties filed their original request for continuance again. OAH will treat this request as a request for reconsideration.

APPLICABLE LAW

OAH 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 AND ORDER

Here the parties failed to file an actual request for reconsideration; therefore, they have naturally failed to provide any new facts, circumstances or law in support of their request for reconsideration. The parties originally asked for a hearing to be scheduled for Tuesday, September 29, through Friday, October 2, 2015. OAH does not schedule hearings on Fridays, except by order of the Administrative Law Judge presiding over the hearing. Accordingly, in an attempt to accommodate the number of days requested, and reconcile that with OAH calendaring guide lines, OAH set this matter for hearing on Monday, September 28, through Thursday, October 1, 2015. Apparently, that is where the crux of the matter lies, in that the parties do not want a hearing on Monday, September 28, 2015, and appear to be insisting on having a hearing on Friday, October 2, 2015.

Since the parties have provided no facts or circumstances in support of their request for a Friday hearing day, OAH need not consider the request. If the parties do not wish to proceed to hearing on Monday, September 28, 2015, and would rather start the hearing on Tuesday, September 29, 2015, they may notify OAH in writing and ask that the September 28, 2015 hearing day be vacated. If the parties wish to have a hearing day of Friday, October 2, 2015, that request must be made to the ALJ who will preside over the hearing. Accordingly, the request for reconsideration is denied.

IT IS SO ORDERED.

DATE: July 14, 2015

/s/

BOB N. VARMA
Division Presiding Administrative Law Judge
Office of Administrative Hearings