

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE CONSOLIDATED MATTERS INVOLVING:

PARENT ON BEHALF OF STUDENT,

and

IRVINE UNIFIED SCHOOL DISTRICT,

OAH CASE NUMBER 2021100153

OAH CASE NUMBER 2021090782

ORDER DENYING STUDENT'S PEREMPTORY CHALLENGE

MARCH 14, 2022

On March 14, 2021, Student filed a notice of peremptory challenge to Administrative Law Judge Alexa Hohensee in 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. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Student's peremptory challenge was not timely made and is denied pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c). Parties may contact OAH to obtain the name of the assigned ALJ (Cal. Code Regs., tit. 1, § 1034, subd. (f)), or check OAH's website, <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Calendar>.

ORDER

Student's challenge of ALJ Hohensee is denied.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo

Presiding Administrative Law Judge

Office of Administrative Hearings