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 REQUEST FOR RECONSIDERATION

MARCH 15, 2022

On March 14, 222, the undersigned Administrative Law Judge issued an order that denied Student's March 14, 2022 Peremptory Challenge of Administrative Law Judge Alexa Hohensee. On March 15, 2021, Student filed a Motion for Clarification, which the Office of Administrative Hearings, referred to as OAH, is treating as a request for reconsideration. OAH did not receive a response from Irvine Unified School District.

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, generally within ten days. (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

Student's Motion was filed within a reasonable time after the initial Order was issued. However, while Student properly notes that the March 14, 2022 Order cited to California Code of Regulations, title 1, section 1034, subdivision (c), Student offers no new facts, circumstances or law. to support reconsideration, as the citation was in error by the undersigned ALJ. As OAH assigned ALJ Hohensee to hear this matter on March 9, 2022, pursuant to California Code of Regulations, title 1, section 1034, subdivision (e), the parties had until noon on Friday, March 11, 2022, to challenge ALJ Hohensee, as the parties have the obligation to check to see if the matter was reassigned after the Prehearing Conference. (Cal. Code Regs., tit. 1, § 1034, subd. (f).)

ORDER

Student has not established the March 14, 2022 Order Denying Student's Peremptory Challenge should be reconsidered. The motion for reconsideration is denied. All dates set in this matter are confirmed.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo
Presiding Administrative Law Judge
Office of Administrative Hearings