BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

GREENFIELD UNION SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NUMBER 2019100729

ORDER DENYING STUDENT'S PEREMPTORY CHALLENGE

On November 9, 2010, Student, filed a notice of peremptory challenge to Administrative Law Judge Kara Hatfield in the above captioned matter, which the Office of Administrative Hearings received on November 12, 2019. 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 of ALJ Hatfield is not timely made and denied as Student made it after the November 4, 2019 Prehearing Conference that ALJ Hatfield presided over, pursuant to California Code of Regulations, title 1, section 1034, subdivision (c). Student will maintain the right to a peremptory challenge if the Office of Administrative Hearings assigns another Administrative Law Judge.

ORDER

1. Student's challenge of ALJ Hatfield is denied.
2. All dates previously set in this matter will remain on calendar.

IT IS SO ORDERED.

DocuSigned by:
Peter Paul Castillo
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DATED: November 13, 2019

Peter Paul Castillo
Presiding Administrative Law Judge
Office of Administrative Hearings