BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. ABC UNIFIED SCHOOL DISTRICT.	OAH CASE NO. 2013020685 ORDER GRANTING DISTRICT'S PEREMPTORY CHALLENGE

On March 27, 2013, prior to the scheduled prehearing conference, District filed a peremptory challenge to disqualify Administrative Law Judge (ALJ) June R. Lehrman from hearing this case.

A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings (OAH) 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, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

District's peremptory challenge is timely made and is granted pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c). ALJ Robert G. Martin is now assigned to the prehearing conference and hearing.

IT IS SO ORDERED.

Dated: March 27, 2013

/s/
RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings