BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: MILPITAS UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2018100006 ORDER DENYING REQUEST FOR RECONSIDERATION

On October 8, 2018, the undersigned administrative law judge issued an order denying Student's motion for a continuance. On October 15, 2018, at a prehearing conference conducted by Administrative Law Judge Cynthia Fritz, Parent attempted to renew the motion orally, without notice, and Judge Fritz denied it. On October 19, 2018, Parent filed a motion, and then an amended motion, to reconsider.

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. (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.)

Parent alleges no new facts, circumstances or law in support of reconsideration; she merely repeats and embellishes previous claims.

The motion is untimely, as Parent waited until two business days before the hearing to make it.

The motion lacks merit. Parent claims she needs time to obtain legal representation, but she does not assert she has been trying to do so or will try to do so if a continuance is granted. Instead she asserts that she cannot afford counsel, and in addition a previous attorney has placed a lien against her funds in a previous matter. Neither of these problems can be solved by a continuance.

For the reasons above, the Amended Motion for Reconsideration is DENIED.

DATE: October 19, 2018

DocuSigned by:
Charles Marson
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CHARLES MARSON
Administrative Law Judge
Office of Administrative Hearings