BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

IN THE MATTER OF:

PARENTS ON BEHALF OF STUDENT,

v.

SAN BENITO HIGH SCHOOL DISTRICT.

OAH CASE NUMBER 2021030859

ORDER GRANTING SAN BENITO HIGH SCHOOL DISTRICT'S PEREMPTORY CHALLENGE

MAY 10, 2021

On May 10, 2021, San Benito High School District filed a notice of peremptory challenge to Administrative Law Judge Penelope Pahl in the above captioned matter. San Benito High School District'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).)

San Benito High School 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).

ORDER

1. San Benito High School District's challenge of ALJ Pahl is granted. Matter now assigned to ALJ Sabrina Kong.
2. All dates previously set in this matter will remain on calendar, except that the prehearing conference will commence at 3:30 PM.

IT IS SO ORDERED.

Peter Paul Castillo

Peter Paul Castillo
Presiding Administrative Law Judge
Office of Administrative Hearings