BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of: PARENT ON BEHALF OF STUDENT, v. GARDEN GROVE UNIFIED SCHOOL DISTRICT,	OAH Case No. 2019030400
GARDEN GROVE UNIFIED SCHOOL DISTRICT, v. PARENT ON BEHALF OF STUDENT.	OAH Case No. 2019030359 ORDER DENYING MOTION TO REOPEN CASE

On March 8, 2019, Garden Grove Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing, naming Student. The case was designated as OAH case number 2019030359. On March 11, 2019, Student filed a Request for Due Process Hearing, naming Garden Grove. The case was designated as OAH case number 2019030400.

On March 20, 2019, Garden Grove filed a Motion to Consolidate its case with Student's case which was granted.

On April 24, 2019, Student filed a request to withdraw his case. OAH dismissed Student's case, OAH case number 2019030400, on April 26, 2019. The same day, Student filed a motion requesting OAH reopen his case.

DISCUSSION

Student argues that OAH should reopen his case because he mistakenly believed that by withdrawing it, both Student's case, OAH case number 2019030400, and Garden Grove's case, OAH case number 2019030359, would be dismissed. Once he realized that only Student's case was dismissed, not Garden Grove's case, he filed this motion to reopen.

Student's mistake is not the type of mistake that allows a party to reopen a case. Student's request to withdraw, dated April 24, 2019, included only Student's case number,

2019030400. Thus, Student's argument that he attempted to dismiss both cases is unpersuasive. Further, it is unreasonable that Student believed that he could unilaterally dismiss the opposing party's case. Accordingly, Student's request to reopen his case is denied. This Order does not preclude Student from refiling his complaint with the same issues.

ORDER

Student's motion to reopen his case, OAH case number 2019030400, is DENIED.

IT IS SO ORDERED.

DATE: May 7, 2019

DocuSigned by:
Cynthia Fritz
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CYNTHIA FRITZ
Administrative Law Judge
Office of Administrative Hearings