BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of: PARENT ON BEHALF OF STUDENT, v. CHULA VISTA ELEMENTARY SCHOOL DISTRICT.	OAH Case No. 2017030569 ORDER DENYING REQUEST TO REINSTATE PREHEARING CONFERENCE JUDGE

On September 29, 2017, Megan M. Nunez, attorney for Student, filed a notice of peremptory challenge to Administrative Law Judge June R. Lehrman in the above captioned matter. OAH granted the peremptory challenge pursuant to Government section 11425.40, subdivisions (a) and (d), and California Code of Regulations, title 1, section 1034, subdivision (c) and informed the parties that ALJ Ted Mann was assigned to the hearing.

On September 29, 2017, Ms. Nunez and Jennifer Varga, attorneys for Student, filed a "Request to Reinstate the PHC Judge" on the grounds the ALJ that conducted the PHC was more familiar with Student's complaint and the questions at issue.

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).)

Student exercised the right to one peremptory challenge. The instant motion does not purport to challenge ALJ Mann for cause. Accordingly, the Motion to Reinstate the ALJ that conducted the PHC is denied.

IT IS SO ORDERED.

DATE: October 03, 2017

DocuSigned by:
Marian H. Tully
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MARIAN H. TULLY
Acting Presiding Administrative Law Judge
Office of Administrative Hearings