

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LOS ANGELES UNIFIED SCHOOL
DISTRICT AND LOS COUNTY
DEPARTMENT OF MENTAL HEALTH

OAH CASE NO. 2008110513

ORDER DENYING REQUEST TO
RE-OPEN MATTER

On March 5, 2009, the Office of Administrative Hearings (OAH) received a letter from Parent dated February 28, 2009, seeking to re-open the above referenced matter following an Order of Dismissal issued by OAH on December 24, 2008. Parent represented in the letter that courtesy copies of the letter had been sent to the other parties by facsimile. No response has been received.

On November 25, 2008, OAH issued an Order finding the complaint insufficient to proceed to hearing, but granting Student 14 days in which to file an amended complaint. OAH did not receive an amended complaint from Student.

On December 1, 2008, OAH staff spoke to Parent by telephone and advised Parent that the amended complaint was due on December 15. On December 16, 17, 19, 22 and 24, OAH staff called Parent and left messages asking whether an amended complaint would be filed. OAH did not receive any response from Parent. To date, OAH has not received an amended complaint in this matter.

OAH did not have any contact with Parent until March 3, 2009, when Parent telephoned OAH to inquire about the case status, and then again on March 5, 2009, when OAH received the letter from Parent regarding this case. Parent's letter referenced being out of town and indicates that Parent sent a copy of the amended complaint to OAH by facsimile, but Parent did not have a copy of the transmittal.

This matter was closed in December 2008, and OAH has had no contact with Parent until March 2009. There has been no reasonable explanation for the delay in contacting OAH regarding this matter. Therefore, the request to re-open the matter is untimely.

