

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2012090499

v.

HEMET UNIFIED SCHOOL DISTRICT,

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HEMET UNIFIED SCHOOL DISTRICT,

OAH CASE NO. 2011110300

v.

ORDER GRANTING STUDENT'S  
PEREMPTORY CHALLENGE

PARENT ON BEHALF OF STUDENT.

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On December 3, 2012, prior to the prehearing conference, Student filed a peremptory challenge to disqualify Administrative Law Judge (ALJ) Deborah Myers-Cregar from hearing this case.

A party is entitled to one peremptory challenge (disqualification without cause) to an ALJ assigned to an Office of Administrative Hearings (OAH) hearing. (Cal. Code Regs., tit. 1, § 1034, subds. (a) & (b); Gov. Code, § 11425.40, subd. (d).) 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, and cannot be made after a hearing has begun. (Cal. Code Regs., tit. 1, § 1034, subd. (a).)

Student'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). ALJ Marian H. Tully is now assigned for hearing.

IT IS SO ORDERED.

Dated: December 03, 2012

/s/

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RICHARD T. BREEN

Presiding Administrative Law Judge  
Office of Administrative Hearings