

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LONG BEACH UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2010090556

ORDER OF DISMISSAL

On June 7, 2011, at approximately 10:00 a.m., this matter was called for hearing at Long Beach, California, by Elsa H. Jones, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH). Hans Gillinger, Attorney at Law, of Gibeaut, Mahan & Briscoe, appeared on behalf of Long Beach Unified School District (District), along with Angela Suttles, a District administrator. No appearance was made by or on behalf of Student or Andrea Smith, Student's Guardian (Guardian), who had been prosecuting this matter on behalf of Student.

The hearing date and time of June 7, 2011, at 9:30 a.m., had been agreed to by Mr. Gillinger and Guardian during a telephone conference with the ALJ on May 31, 2011, which was a previously scheduled hearing date in this matter. On May 31, 2011, at approximately 1:30 p.m., District, through Mr. Gillinger and Karen J. Manabo, Attorney at Law, appeared for the duly scheduled hearing. Student and Guardian failed to appear. Therefore, at approximately 2:00 p.m. on May 31, 2011, the ALJ initiated a telephone call to Guardian, in which Mr. Gillinger participated. During the telephone conference, the parties jointly moved for a continuance of the hearing to June 7, 2011, at 9:30 a.m. The ALJ granted the motion, for good cause shown. On June 1, 2011, OAH served the parties with notice of the continued hearing date and time.

On June 7, 2011, at approximately 9:35 a.m., the ALJ called Guardian's home telephone number and cell phone telephone number, to inquire of her whereabouts. There was no answer at either location. The ALJ was unable to leave Guardian a message on her cell phone, but the ALJ left Guardian a voicemail on her home phone, requesting that Guardian call OAH staff to advise of her whereabouts or the matter would be dismissed. The ALJ then called OAH staff and learned that Guardian had not called OAH staff. OAH staff then attempted to telephone Guardian, without success.

By reason of the non-appearance of Student or Student's Guardian at the duly noticed hearing, the ALJ dismissed the matter, without prejudice.

IT IS SO ORDERED.

Dated: June 30, 2011

/s/

ELSA H. JONES
Administrative Law Judge
Office of Administrative Hearings