

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

TEHACHAPI UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2012040336

ORDER DENYING STUDENT'S
PEREMPTORY CHALLENGE

On August 24, 2012, Student's attorney Nicole Hodge Amey filed a peremptory challenge, seeking to disqualify Administrative Law Judge (ALJ) Stella Owens-Murrell from hearing this case. According to the proof of service submitted with the document, it was sent by attorney Nicole Hodge Amey herself at 2:51 p.m. ALJ Owens-Murrell was assigned to this hearing on August 20, 2012, and that information was available on OAH's website.

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, subs. (a) & (b); Gov. Code, § 11425.40, subd. (d).) If a hearing is to be held at a site other than an OAH regional office, it must be made no later than noon on the Friday prior to the week in which the hearing is to commence. (Cal. Code Regs, tit. 1, § 1034, subd. (e).)

Student's peremptory challenge was not timely and is denied.

IT IS SO ORDERED.

Dated: August 24, 2012

/s/

RICHARD T. BREEN
Presiding Administrative Law Judge
Office of Administrative Hearings