

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SANTA ANA UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2014030230

ORDER DENYING REQUEST FOR
RECONSIDERATION

On April 15, 2014, the parties filed a joint request to continue the mediation session to May 13, 2014. On April 16, 2014, the Office of Administrative Hearings issued an order granting the continuance, but rescheduling the mediation to July 8, 2014.

On April 17, 2014, District submitted a letter stating the parties requested the mediation be scheduled for their originally requested date of May 13, 2014. This letter is deemed a joint request for reconsideration.

APPLICABLE LAW

OAH will generally reconsider a ruling upon a showing of new or different facts, circumstances, or law justifying reconsideration, when the party seeks reconsideration within a reasonable period of time. (See Gov. Code, § 11521; Code Civ. Proc., § 1008.) The party seeking reconsideration may also be required to provide an explanation for its failure to previously provide the different facts, circumstances or law. (See *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199-1200.)

DISCUSSION AND ORDER

The parties allege no new facts, circumstances, or law in support of the request for reconsideration. Nor is the request supported by any factual or legal showing, or any supporting evidence or sworn declaration. Nevertheless, the facts supporting OAH's order will be reviewed.

The initial request to continue the mediation provided no information about the reason for the requested mediation date, even though it was almost seven weeks prior to the requested hearing dates. In addition, no explanation was given for the parties' less than prompt notification of the cancellation of the initial mediation date or request for a new

mediation date: On March 7, 2014, OAH issued the parties a scheduling order with mediation on April 9, 2014. On April 3, 2014, District informed OAH that the parties were working to reschedule the mediation and hearing dates, and cancelled the April 9 mediation. The parties did not submit a request for a new mediation date until April 15. Due to the July 4 holiday and the prior scheduling of other matters, operational needs dictated that the requested mediation date could not be accommodated. As a result, OAH rescheduled the matters to dates different from those requested: the mediation was scheduled for July 8, the prehearing conference, July 14, and the hearing, July 22 through 24, 2014.

Accordingly, parties' joint request for reconsideration is denied.

It is so ordered.

DATE: April 21, 2014

/s/

JUDITH A. KOPEC
Division Presiding Administrative Law Judge
Office of Administrative Hearings