

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT,

vs.

SAN GABRIEL/POMONA REGIONAL
CENTER,

Service Agency.

OAH No: 2018040118

DECISION

Thomas Y. Lucero, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on May 16, 2018, in Pomona, California. Daniela Santana, Fair Hearing Coordinator, represented the service agency, the San Gabriel/Pomona Regional Center. Mother represented claimant (family members' names are omitted to preserve confidentiality). Oral evidence was received. The record was closed and the matter was submitted for decision on May 16, 2018.

The issues is whether the service agency should evaluate claimant as it has proposed.

FACTUAL FINDINGS

1. Claimant is 12 years old and lives with his mother. At mother's request, the service agency evaluated claimant in 2013 and determined that he was not eligible for services.

2. Claimant re-applied for services. In re-applying, mother submitted school records relating to claimant's condition, including an August 2017 evaluation by the West Covina Unified School District Multidisciplinary Team.

3. On February 22, 2018, the service agency sent claimant its Notice of Proposed Action (NOPA), advising that it had submitted the records it received from mother to a psychologist, Deborah Langenbacher, Ph.D. for review. Based on Dr. Langenbacher's findings, and referencing the service agency's 2013 evaluation, the service agency advised mother that claimant did not have a substantial developmental disability that would make him eligible for services under the Lanterman Developmental Disability Services Act, Welfare and Institutions Code section 4500 et seq. (Lanterman Act).

4. Mother timely appealed and a fair hearing was scheduled. Before the fair hearing, an informal meeting took place on May 2, 2018. Following the informal meeting, the service agency advised mother in a May 9, 2018 letter that it would reevaluate claimant and complete an assessment of claimant through the service agency's Autism Clinic on July 26, 2018. Based on the May 9, 2018 letter, the service agency moved for, and mother opposed, dismissal of the fair hearing. The hearing went forward on May 16, 2018.

5. At the fair hearing, mother testified that she was in agreement with the service agency and that it was appropriate that claimant be evaluated by the service agency's Autism Clinic on July 26, 2018, as the service agency proposed.

LEGAL CONCLUSION

1. Based on the agreement of the parties for reevaluation of claimant, issues for the fair hearing were resolved.

ORDER

Claimant will be reevaluated for services. The service agency will complete an assessment of claimant through the service agency's Autism Clinic on July 26, 2018.

DATED:

THOMAS Y. LUCERO

Administrative Law Judge

Office of Administrative Hearings

NOTICE

This is the final administrative decision; both parties are bound by this decision. Either party may appeal this decision to a court of competent jurisdiction within 90 days.