

**BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA**

In the Matter of the Fair Hearing Request of:

CLAIMANT,

vs.

HARBOR REGIONAL CENTER,

Service Agency.

OAH No. 2023050647

DECISION

Cindy F. Forman, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference and telephone on August 15, 2023.

Latrina Fannin, Manager of Rights and Quality Assurance, represented Harbor Regional Center (HRC).

Claimant's Mother (Mother), who is Claimant's authorized representative, represented Claimant at the fair hearing. (Claimant and his mother's names are omitted to protect their privacy.) Claimant was present but did not testify at the fair hearing.

The Administrative Law Judge heard testimony and received documentary evidence. The record was closed and the matter was submitted for decision on August 15, 2023.

On August 22, 2023, OAH received a post-hearing submission, dated August 15, 2023, from Mother regarding the conduct of the hearing, which was marked for identification as Exhibit OO. In the interest of due process, the Administrative Law Judge re-opened the record until September 6, 2023, to allow HRC to file a response. HRC failed to file any response. The Administrative Law Judge did not consider or rely on Exhibit OO in preparing the decision in this matter, and Exhibit OO did not affect the Administrative Law Judge's ability to decide this matter fairly and impartially.

ISSUES

1. Has HRC engaged in unreasonable delay in failing to provide a skilled remote respite provider for Claimant?
2. Has HRC refused to accommodate Mother's request to allow Benjamin Harmon and/or Abba's Caring Hands (Abba's) to be designated as Claimant's remote respite provider?
3. Is Claimant entitled to receive compensatory services because of HRC's delay in providing an appropriately trained remote respite provider for Claimant?

EVIDENCE

The documentary evidence considered in this case consists of HRC's Exhibits 1 through 11 and Claimant's Exhibits A through NN.

The testimonial evidence considered in this case was provided by Josephina Cunningham and Mother.

FACTUAL FINDINGS

1. Claimant is 19 years old. He is eligible for regional center services due to a diagnosis of Autism Spectrum Disorder (ASD). Mother is Claimant's limited conservator, and she is responsible for making medical and education decisions on his behalf.

2. HRC is one of the regional centers designated by the Department of Developmental Services (DDS) to provide funding for services and supports to persons with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Lanterman Act). (Welf. & Inst. Code (Code), § 4500 et seq.)

3. On April 25, 2023, Mother filed an Appeal Request seeking an immediate appointment of a remote respite service provider that would meet the needs of Claimant. (Exhibit 2.) Mother contended HRC failed to promptly provide an appropriate remote respite service provider for Claimant as directed in the April 25, 2022 decision in OAH case number 2021080293 (April 2022 Order). Mother also asserted HRC failed to accommodate her request for courtesy vendorization for two remote respite providers Mother identified, i.e., Mr. Harmon and Abba's. Mother additionally requested compensatory hours for the time she was without respite service since the April 2022 Order because of these failures.

Background

4. On April 25, 2022, in OAH case number 2021080293, Administrative Law Judge Deena R. Ghaly (ALJ Ghaly) upheld Mother's appeal in part and agreed HRC should be required to continue to search for appropriately trained remote respite providers, and if found, fund up to 30 hours of remote respite per week. (Exhibit 4, p. A44.) In doing so, however, ALJ Ghaly recognized that "HRC's challenges to finding remote respite providers [are] real and may well limit the amount of respite it will be able to arrange. . . ." (*Id.*, p. A43.) ALJ Ghaly, however, reminded HRC to continue to try to find appropriate providers and keep Mother apprised of its efforts. (*Ibid.*) As of this date, Claimant has yet to receive any remote respite care since the April 2022 Order.

5. Before the April 2022 Order, HRC authorized 30 hours of remote respite services for Claimant to be provided by Behavioral Respite in Action (BRIA) as part of special services offered in response to the COVID-19 pandemic. However, as reported in the April 2022 Order, because of BRIA's staffing difficulties, Claimant did not receive remote respite services for at least a year before the hearing leading to the April 2022 Order. (Exhibit 4, p. A36.)

6. In response to the April 2022 Order, HRC authorized funding of 30 hours per week or 150 hours per month of remote respite care for Claimant through BRIA. HRC also authorized 30 hours of remote agency respite care services for Claimant through California Care 4 U Inc. (CC4U). HRC apprised Mother of its efforts to retain BRIA and/or CC4U as remote respite providers for Claimant as early as June 28, 2022. (Exhibit E, p. B60.)

7. Mother rejected BRIA as a remote respite provider for Claimant because she did not agree to the terms of BRIA's telehealth agreement covering its remote

respite program. BRIA requires Mother's consent to its telework agreement before providing remote behavioral respite services. Consequently, BRIA has not provided remote respite services to Claimant.

8. Mother also rejected CC4U as a remote respite provider for Claimant because she does not believe its employees have the necessary behavioral background to care for Claimant. Consequently, CC4U has not provided remote respite services to Claimant.

9. HRC's notes indicate Claimant's service coordinator Devari Tolliver followed up with both BRIA and CC4U in September 2022. According to the HRC notes, on September 20, 2022, CC4U informed Ms. Tolliver that it would only provide services if Mother would meet them in person so they could gather information to create an acceptable service plan. (Exhibit 9, p. A73.) That same day, BRIA informed HRC that Mother refused to sign its telehealth agreement. BRIA also informed HRC the agency might discontinue remote respite services altogether. (*Id.*, p. A74.)

10. In a letter dated October 5, 2022, Mother requested HRC consider Benjamin Harmon or Abba's as remote respite providers. (Exhibit R, p. B140.) Mother did not include either Mr. Harmon or Abba's contact information as part of her correspondence. There is no evidence HRC sought any information regarding Mr. Harmon or Abba's from Mother after receipt of the October 5 correspondence. There is also no evidence that Mother or HRC discussed using Mr. Harmon or Abba's as a remote respite provider for several months after Mother sent the October 5 letter.

11. An Individual Program Plan (IPP) meeting for Claimant was scheduled for October 25, 2022. The meeting did not take place because of Mother's unavailability.

Subsequently, HRC sent a letter to Mother seeking available dates to hold an IPP meeting. (Exhibit 7.)

12. The record shows no documented communications between HRC and Mother regarding Claimant's remote respite or other services until January 19, 2023. On that date, HRC sent Mother a Notice of Inactivation, requesting Mother call HRC to schedule Claimant's IPP meeting. The Notice also informed Mother that if she failed to respond to the Notice, HRC would conclude she was currently not interested in continuing to receive regional center services. (Exhibit T.) As of the date of the Notice, Claimant had not participated in an IPP since August 2021. HRC made repeated efforts as early as April 27, 2022, to hold an IPP annual meeting with Claimant and Mother. (Exhibits 7; C, p. B35; I, p. B77.) However, those efforts were not fruitful because of Mother's unavailability. (E.g., Exhibits C, p. B35; M, p. B95.) On January 26, 2023, Mother responded to the Notice and provided new dates of availability for an IPP meeting. (Exhibit U.)

13. Mother and the HRC IPP team held an IPP meeting to discuss Claimant's needs on May 12, 2023. (Exhibit 9, p. A89.) The HRC IPP team was unable to complete the meeting on May 12, 2023, and Mother and the HRC IPP team agreed to schedule a second meeting on May 18, 2023, to continue the IPP process. (*Ibid.*) By fax dated May 16, 2023, Mother informed HRC she was no longer available on the May 18 date to complete the IPP meeting. (*Id.*, p. A92; Exhibit Z.) As of the date of the hearing, the second part of the IPP Meeting has not been rescheduled or held.

14. Mother prefers to communicate with HRC in writing by fax, email, or regular mail. HRC has difficulty contacting Mother by telephone. Mother also appears to use two different mailing addresses. As a result, communications between Mother and HRC that could take place within minutes often take weeks.

Mother's Testimony

15. At hearing, Mother explained Claimant's need for a respite provider who is appropriately trained and why neither of the two respite providers proposed by HRC was adequate. Mother seeks a "tailored" and "individualized" respite program for Claimant and wants to make sure the respite provider will collaborate with Mother and offer a program consistent with Claimant's existing programs, behavior support plans, and routines. (Exhibit M, p. B94.)

16. Mother has communicated directly with Mr. Harmon, and she believes he would be a good fit for Claimant. (Exhibit EE.) She has also obtained the brochure for Abba's, which provides that it will accommodate a family's respite request "following an expedited hiring process for the specified caregiver." (Exhibit FF, p. B228.) It is not known whether Mother also spoke to Abba's regarding hiring Mr. Harmon.

17. Mother contends an IPP meeting with HRC is not required to authorize Mr. Harmon and/or Abba's to be Claimant's remote respite providers. Mother further contends her son's respite needs have remained unchanged for years, and HRC does not need another IPP meeting to discuss or evaluate those needs. In support of her contentions, Mother cited an unidentified regional center's respite policy stating the following:

In order to provide appropriate respite services, [the regional center shall] make available the following options:

1. *In-Home Respite* is the provision of respite services within the individual's own home. Parents/family member may choose to utilize an *Employer of Record (EOR)* respite agency and/or *Financial Management Services (FMS)* in

order to use family members or others as the respite worker, or they may choose to use a vendorized agency, which provides the worker.

(Exhibit CC, p. B202.) Mother's testimony suggested she would like to use Mr. Harmon as Claimant's respite worker and Abba's as the Employer of Record respite agency.

Regional Center Testimony

18. Josephina Cunningham, Claimant's Case Manager, testified at the hearing. Ms. Cunningham is responsible for supervising Claimant's service coordinator and is familiar with Claimant as well as his request and need for respite services. Ms. Cunningham did not dispute Claimant's need for respite services.

19. Ms. Cunningham asserted that a request for remote respite services is atypical. HRC first offered remote respite services during the COVID-19 pandemic. However, after the end of the public health emergency, most respite agencies stopped providing the service. Those few providers that may be receptive to offering remote services have difficulty locating and retaining staff to provide such services. At this time, HRC knows of no service agencies offering remote respite other than BRIA and CC4U, both of which Mother rejected.

20. Ms. Cunningham indicated HRC does not oppose courtesy vendorization for a remote respite provider selected by Mother and approved by another regional center. However, before HRC can engage that provider, it needs to determine the provider's availability to provide the respite services Mother needs. As of the date of the hearing, HRC has been unable to determine the availability and suitability of Mr. Harmon or Abba's to provide remote respite to Claimant because HRC lacks sufficient information. For instance, HRC does not know whether Mr. Harmon remains available

to provide remote respite, is agreeable to being hired by Abba's or another respite service provider, and is willing to provide a respite program suitable for Claimant.

21. Ms. Cunningham testified HRC still does not have a clear picture of Claimant's daily schedule and activities. Without such information, Ms. Cunningham believes it is difficult to fashion a remote respite program that meets Mother's and Claimant's needs. Ms. Cunningham intended to discuss those needs at the second portion of the May 2023 IPP meeting but she has been unable to schedule the meeting because of Mother's unavailability.

22. Ms. Cunningham also testified HRC would consider expanding Claimant's respite program in response to Mother's request for compensatory hours. However, Ms. Cunningham stated HRC could not do so until Mother provided details about the services Claimant is currently receiving. Before authorizing additional respite, HRC wants to be certain of Claimant's schedule to make sure the additional respite hours can be effectively utilized.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. The party asserting a claim generally has the burden of proof in administrative proceedings. (See, e.g., *Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 789, fn. 9.) Here, Claimant asserts HRC failed to comply with the April 2022 Order and seeks to compel HRC to immediately provide an appropriate remote respite provider as well as compensatory services for the time no respite provider was offered. Claimant therefore has the burden of proving by a preponderance of the evidence that he is entitled to the requested services. (See Evid.

Code, § 500.) A preponderance of the evidence means evidence that has more convincing force than that opposed to it. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

Lanterman Act

2. The Lanterman Act requires an IPP to be developed and implemented for each individual who is eligible for regional center services. (Code, § 4646.) The IPP includes the consumer's goals and objectives as well as required services and supports. (Code, §§ 4646.5 & 4648.) The services and supports provided or secured by the regional center are to respect and support the family's decision making, be flexible and creative to meet the claimant's unique and individual needs over time, recognize family strengths, natural supports, and existing community resources, and focus on the entire family. (Code, § 4685, subd. (b).)

3. The planning process for an IPP comprises "[g]athering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers and concerns or problems of the person with developmental disabilities." (Code, § 4646.5, subd. (a)(1).) The assessment includes information from the consumer, the consumer's family, the providers of services and supports, and other agencies. Based on the assessments, the IPP identifies the type and amount of services and supports to be purchased from the regional center or obtained from generic agencies or other resources to achieve the IPP goals and objectives and the service providers responsible for attaining such goals and objectives. (Code, § 4646.5, subd. (a)(5).) The purpose of the assessments is to ensure the requested services meet the consumer's needs and are provided in a cost-efficient manner.

4. A regional center has discretion in determining which services it should purchase to best accomplish all or any part of a consumer's IPP. (Code, § 4648.) Services are purchased based on a consumer's needs, progress, and circumstances, as well as consideration of a regional center's service policies, resources, and professional judgment as to how the IPP can best be implemented. (Code, §§ 4646, 4648, 4624, 4630, subd. (b), and 4651; *Williams v. Macomber* (1990) 226 Cal.App.3d 225, 233.)

5. Respite is a service and support offered under the Lanterman Act. (Code, § 4512, subd. (b).) Respite services are "designed to assist family members in maintaining the client at home, providing appropriate care and supervision to the client when the family is not at home, relieving family members from their constant responsibilities, and attending to the client's basic self-care needs, activities of daily living, and usual daily routines." (Code, § 4690.2, subd. (a).) Respite can be provided by a respite agency, an Employer of Record, or paid through a Financial Management Services agency.

6. The Lanterman Act and its accompanying regulations require an assessment of the consumer's needs and whether the selected vendor can satisfy those needs before an appropriate respite vendor can be approved. (Cal. Code Regs., title 17 (Regs.), §§ 56785, 56786.) Both the regional center and the consumer must concur that the agency's services are appropriate and the vendor must agree to provide the service. (Regs., § 56786, subd. (b).)

7. The Lanterman Act does not authorize regional centers to provide compensatory services to their consumers. The services provided under the Lanterman Act are designed and required to meet the designated and present needs of regional center consumers. Thus, a regional center cannot provide services to a consumer solely

to make up for lost services unless those additional services are also identified as presently needed.

8. The Lanterman Act requires a regional center to implement the final hearing decision as soon as practical and not later than 30 days following the date of the final hearing decision. (Code, § 4713.5, subd. (a).) If a claimant or authorized representative is dissatisfied with the regional center's compliance with the decision, the claimant may contact DDS, which will take appropriate actions to obtain compliance with the decision. (Code, § 4713.5, subd. (b).)

Analysis and Disposition

9. There is no dispute that Mother is entitled to remote respite care and the April 2022 Order governs the funding of such care. Consistent with the April 2022 Order, HRC has repeatedly authorized funding to provide 30 hours a week of remote respite services to Claimant. Moreover, any dispute regarding such funding must be addressed by DDS. (Legal Conclusion 8.)

10. While Mother's frustration at HRC's inability to find a skilled remote respite provider is understandable, Mother has not demonstrated that HRC intentionally or unreasonably delayed or obstructed the search for and placement of an appropriate remote respite provider. The April 2022 Order recognized the difficulties in locating remote respite providers and thus directed HRC to search for them. HRC initially proposed two vendors for Mother, i.e., BRIA and CC4U, but Mother found them objectionable. HRC then followed up with BRIA and CC4U to further explore whether they could meet Mother's requirements, but Mother has maintained neither vendor is adequate to meet Claimant's remote respite needs.

11. The evidence does not make clear what efforts, if any, HRC took to search for remote respite providers after Mother rejected BRIA and CC4U. Although Mother proposed retaining Mr. Harmon and Abba's as possible remote respite providers in October 2022, the HRC notes do not reflect any research by HRC in response to Mother's proposal until May 2023, after the IPP meeting. Ms. Cunningham noted at hearing that Mother did not provide HRC with any contact information for Mr. Harmon or Abba's in her October 6 letter; however, there is no evidence that HRC undertook any efforts to obtain such contact information until the May 2023 IPP meeting.

12. While HRC potentially could have taken a more proactive approach to Mother's suggestions, HRC promptly researched Mr. Harmon's and Abba's capabilities and availability after the May 2023 IPP meeting once it obtained additional information about Claimant's needs and the two possible providers. HRC had attempted to have that meeting earlier, but Mother was not available. Moreover, it appears that Mother raised the issue of Mr. Harmon or Abba's as a potential provider only once, i.e., in her October 5 correspondence. Notably, there is no correspondence between Mother and HRC regarding Claimant's respite needs between October 5, 2022, and January 26, 2023.

13. HRC's difficulties in locating a remote respite service provider also largely stem from circumstances outside of HRC's control. As the April 2022 Order made clear and as reaffirmed by Ms. Cunningham's testimony, a request for remote respite service is atypical and such providers are rare. HRC is not aware of any remote respite providers except for BRI and CC4U. And, despite Mother's diligent research, she has only been able to locate two potential providers.

14. Mother's unavailability to discuss Claimant's needs and the nature and scope of the respite program she seeks further hampered HRC's efforts to locate an

appropriate respite provider. Although HRC and Mother were finally able to meet in May 2023, that meeting occurred almost two years after Claimant's 2021 IPP meeting. Mother also has not been available to complete the May 2023 meeting. As a result, HRC has been unable to discuss with Mother the results of its conversation with Abba's and obtain answers to questions it has regarding Mr. Harmon and Claimant.

15. Both Mother and HRC want to ensure a respite provider for Claimant will collaborate with Mother and be consistent with Claimant's existing programs, behavior support plans, and routines. It is presently unclear whether Mr. Harmon or Abba's can meet these requirements. The last documented communication Mother had with Mr. Harmon was on November 8, 2022, and those communications do not set forth Mr. Harmon's availability or willingness to serve as a remote respite provider. (Exhibit EE.) Nor is it clear that Mr. Harmon would be willing to become an employee of an approved respite agency or whether Abba's is able and willing to serve as Mr. Harmon's employer.

16. It is therefore incumbent on Mother to share with HRC information regarding Claimant's daily routine, behavior plans, and other existing programs. Mother is also obliged to share information regarding Abba's and Mr. Harmon with HRC. HRC has already initiated communications with Abba's but needs to discuss its findings with Mother to ensure Abba's is a good fit for Claimant and Mother. HRC will treat Abba's as a courtesy vendor so long as Abba's can provide the services Mother seeks.

17. The Lanterman Act does not authorize compensatory services. However, HRC has indicated it is willing to consider supplementing the remote respite services already authorized for Claimant if there is a need to do so. HRC cannot determine whether a need exists without information regarding Claimant's daily routine and the

services he currently receives. However, any consideration of supplementing Claimant's remote respite services is premature as no remote respite provider has yet been identified to meet Claimant's needs.

18. Based on the foregoing, Mother's appeal is denied. HRC has searched for appropriate remote respite providers but has thus far been unsuccessful. HRC also is willing to consider Mother's request to allow Mr. Harmon or Abba's to be designated as Claimant's remote respite provider. However, it is awaiting further information regarding Mr. Harmon's and Abba's availability and capability of providing appropriate services, information that it is required to obtain by regulation (see Legal Conclusion 6, *supra*) and, in large part, only Mother can provide. Finally, Mother may be able to receive additional remote respite services if she can establish a need for them. However, such a request is premature as no remote respite provider has yet been identified and Mother has not provided information to the HRC to allow HRC to consider what supplemental respite services are needed.

ORDER

Claimant's appeal is denied. This Order should in no way be construed to release Harbor Regional Center from its obligation, as stated in the April 25, 2022 Order in OAH Case Number 20211080293, to continue to search for remote respite providers appropriate for Claimant's needs, including promptly reviewing the availability of Benjamin Harmon and Abba's Helping Hands to act as Claimant's remote respite providers, and to provide funding for up to 30 hours a week if such providers can be found. This Order should also not be construed to release Mother from her obligation to share information regarding Claimant's daily routine, activities, and

behavior plan so that Mother and Harbor Regional Center can craft a remote respite plan that meets Claimant's needs and complies with the law.

DATE:

CINDY F. FORMAN

Administrative Law Judge

Office of Administrative Hearings

NOTICE

This is the final administrative decision. Each party is bound by this decision. Either party may request a reconsideration pursuant to subdivision (b) of Welfare and Institutions Code section 4713 within 15 days of receiving the decision, or appeal the decision to a court of competent jurisdiction within 180 days of receiving the final decision.

**BEFORE THE
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In the Matter of:

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vs.

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Service Agency.

OAH No. 2023050647

ORDER DENYING CLAIMANT'S APPLICATION FOR RECONSIDERATION

An Administrative Law Judge (ALJ) from the Office of Administrative Hearings (OAH) issued a final decision in this matter on September 19, 2023.

On October 2, 2023, Claimant's authorized representative applied to OAH for reconsideration of the decision under Welfare and Institutions Code section 4713 (application). The application was timely submitted. Service Agency was notified of the application, as was the Department of Developmental Services.

The undersigned hearing officer, who did not hear the matter or write the decision for which reconsideration is requested, was assigned to decide the application.

Pursuant to Welfare and Institutions Code section 4713, subdivision (b), a party may apply for reconsideration to correct a mistake of fact or law or a clerical error in the decision, or to address the decision of the original hearing officer not to recuse themselves following a request pursuant to Welfare and Institutions Code section 4712, subdivision (g). (Undesignated statutory references are to the Welfare and Institutions Code.)

The application totals 230 pages, and consists of 15 pages of single-spaced briefing and 214 pages of attachments. The application disputes every factual finding except number 2, and every legal conclusion. It appears many of the attachments were used during the underlying hearing, although there are several documents that post-date the decision.

The application does not specify a particular "mistake of fact or law." Rather, the recurring theme is that the decision does not accurately reflect the information and facts presented by Claimant during the hearing, rendering many of the findings or conclusions "misleading" or "untrue." In some instances, Claimant argues the finding or conclusion is irrelevant to the issues on appeal. The application also argues the ALJ made procedural errors by allowing Service Agency to use at hearing certain exhibits and a position statement which Claimant's authorized representative contends were not timely exchanged before the hearing.

On October 10, 2023, Service Agency filed a response to the application. The response does not address the application, but rather focuses on its attempts after the decision was issued to remedy the outstanding service issue underlying this case.

ANALYSIS

As cited above, section 4713, subdivision (b), allows reconsideration “for a correction of a mistake of fact or law.” Pursuant to section 4713, subdivision (d), the application for reconsideration must be decided within 15 days of receipt; the hearing office responsible for deciding the application may deny it, grant it and modify the decision, or grant it and set the matter for another hearing.

The wording of section 4713, subdivision (b), as well as the expedited deadline for deciding an application set by section 4713, subdivision (d), make clear that the mistake of fact or law in question must be apparent from the decision, such as an obvious mathematical error in calculating hours of service, an order that fails to accurately encompass the legal conclusions, citation to the wrong statute, or reliance on a law that is no longer in effect. In such instances, the hearing office can either correct the mistake if the resolution is apparent from the decision, or order the matter to be reheard if the resolution is not apparent.

There is nothing in section 4713 suggesting an application for reconsideration contemplates the hearing office reviewing the entire record, including the admitted exhibits and the recorded hearing, to determine if the ALJ made errors in evidentiary rulings or made mistakes of fact or law. That process is undertaken in an appeal of the decision to the Superior Court, not in an application for reconsideration pursuant to section 4713.

In this case, Claimant fails to identify the kind of mistake of fact or law discussed immediately above. Instead, the application disputes the accuracy of essentially every factual finding and legal conclusion, and seeks a re-evaluation of the case based on

evidence and arguments presented in the application. Section 4713 does not allow that kind of review.

Claimant also complains about the ALJ's evidentiary rulings concerning the use and admission of certain Service Agency exhibits and its position statement. It is not clear that the mistakes of fact or law contemplated by section 4713 were meant to cover evidentiary rulings made during the hearing. In any event, a determination concerning the correctness of the ALJ's rulings in that regard cannot be made by reviewing the decision. Since Service Agency did not address the issue in its response, this complaint could only be decided after reviewing the entire record, which is not contemplated by section 4713, as discussed above.

For these reasons, the application must be denied.

ORDER

Claimant's application for reconsideration of the final decision is DENIED.

IT IS SO ORDERED.

DATE:

ERIC SAWYER
Administrative Law Judge
Office of Administrative Hearings