

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

ACHILLES M.,

Claimant,

vs.

REGIONAL CENTER OF THE EAST BAY,

Service Agency.

OAH No. 2012080637

DECISION

Administrative Law Judge Dianna L. Albin, Office of Administrative Hearings, State of California, heard this matter in San Leandro, California, on November 26, 2012.

Mary Dugan, Fair Hearing Specialist, was present and represented Regional Center of the East Bay.

There was no appearance by or on behalf of claimant Achilles M.

ISSUE

Is claimant entitled to receive services from Regional Center of the East Bay?

FACTUAL FINDINGS

1. On August 1, 2012, claimant filed a Fair Hearing Request seeking behavioral and other services from Regional Center of the East Bay. Several continuance requests were granted and a waiver of time was filed by claimant. The hearing was scheduled for November 26, 2012, at the Regional Center of the East Bay in San Leandro, California.

2. The Third Notice of Hearing was properly served on claimant at claimant's known address on September 25, 2012.

3. Regional Center of the East Bay's position is that claimant is not eligible for regional center services pursuant to Welfare and Institutions Code section 4512, subdivision (a), and California Code of Regulations, title 17, section 54000.¹

4. On November 26, 2012, at 9:30 a.m., at the location scheduled for the hearing, there was no appearance by or on behalf of the claimant. Claimant did not present any evidence and no testimony was given. The claimant was declared in default.

LEGAL CONCLUSIONS

Pursuant to Evidence Code sections 500 and 115, claimant has the burden of proof in establishing his eligibility to receive regional center services from Regional Center of the East Bay. Claimant having produced no evidence or testimony, failed to meet the burden of proof. Consequently, claimant is not entitled to such services.

ORDER

The request of Achilles M. to receive services from Regional Center of the East Bay is hereby denied.

¹ The Lanterman Developmental Disabilities Services Act authorizes specified services for individuals defined as "developmentally disabled."

DATED: November 26, 2012

DIANNA L. ALBINI

Administrative Law Judge

Office of Administrative Hearings

NOTICE:

This is a final administrative decision. Both parties are bound by this decision. Either party may appeal this decision to a court of competent jurisdiction within ninety days.