

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT,

and

INLAND REGIONAL CENTER,

Service Agency.

OAH No. 2015030872

ORDER DISMISSING MATTER
FOR FAILURE TO PROSECUTE

DEFAULT DECISION

This matter was scheduled for hearing before Administrative Law Judge Debra D. Nye-Perkins, Office of Administrative Hearings, at the Inland Regional Center, in San Bernardino, California at 1:00 p.m. on July 7, 2015.

Leigh-Ann Pierce, Consumer Services Representative, Fair Hearings and Legal Affairs, represented Inland Regional Center (IRC).

Claimant is fourteen years old and is represented by her mother. No one appeared on claimant's behalf.

1. The Request for Fair Hearing filed by claimant's mother on her behalf, challenged IRC's determination that claimant was not eligible for regional center services based on a substantial handicap as a result of intellectual disability, a handicapping condition closely related to intellectual disability, or that claimant needed treatment similar to what intellectual disability individuals need. The Request asserted that claimant was eligible for services because she has an intellectual disability.

2. This matter was originally set for hearing on May 7, 2015, at 1:00 p.m. The Notice of Hearing was mailed to the address provide by claimant's mother in the

Request for Fair Hearing form filed with the IRC.

3. On April 20, 2015, claimant's mother filed a Motion for Continuance with the Office of Administrative Hearings. The basis for the request was that additional testing was being administered, and additional time was required to obtain and review the results.

4. The motion was granted. Claimant's mother and IRC were provided notice that the new date for hearing was July 7, 2015 at 1:00 p.m. The Notice of Hearing was served on claimant's mother by U.S. mail to her address of record.

5. On July 7, 2105, Administrative Law Judge Debra D. Nye-Perkins called the case for hearing. Ms. Pierce represented IRC. No one appeared at the hearing on behalf of claimant.

EVALUATION

6. Claimant and her representative received actual notice of the date, time and place of the continued hearing; however, neither claimant nor her mother appeared at the hearing.

7. The burden rests on claimant to establish by a preponderance of the evidence that she suffers from a qualifying, substantial developmental disability. (Evid. Code, § 115.) By failing to appear, claimant failed to establish her eligibility.

8. Additionally, the burden is on claimant to diligently prosecute her appeal/fair hearing request. Claimant and her representative were properly notified of the date, time and place of hearing and failed to appear for the hearing. Consequently, claimant is deemed to have abandoned her appeal/fair hearing request.

ORDERS

1. Claimant's appeal/fair hearing request is dismissed.
2. The agency's determination that claimant is not eligible for services is

upheld.

DATED: July 9, 2015.

DEBRA D. NYE-PERKINS

Administrative Law Judge

Office of Administrative Hearings

NOTICE

This is a final administrative decision pursuant to Welfare and Institutions Code section 4712.5(b)(2). Both parties are bound hereby. Either party may appeal this decision to a court of competent jurisdiction within 90 days.