

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT,

vs.

REGIONAL CENTER OF THE EAST BAY,

Service Agency.

OAH No. 2017020007

DECISION

This appeal was scheduled for hearing before Administrative Law Judge Regina Brown, Office of Administrative Hearings (OAH), State of California, on March 14, 2017, in Concord, California.

Mary Dugan, Fair Hearing Specialist, represented service agency Regional Center of the East Bay (RCEB).

There was no appearance by claimant's representatives or on behalf of Claimant.

FACTUAL FINDINGS

1. Claimant is a 13-year-old RCEB consumer whose father executed a request for fair hearing on his behalf, which RCEB received on January 26, 2017.

2. On January 9, 2017, RCEB issued a Notice of Proposed Action indicating that RCEB is unable to fund a socialization skills program for Claimant because regional centers are prohibited by law from supplanting generic resources and Claimant's parents should pursue their private insurance and other resources to meet this need.

The fair hearing request challenged RCEB's decision and requested that RCEB pay for the cost of a socialization skills class.

3. A notice of hearing for March 14, 2017, at 9:30 a.m., at the RCEB office in Concord was served on Claimant, in care of his father, at the address listed on the fair hearing request.

4. As of 10:00 a.m., on March 14, 2017, neither Claimant's father nor anyone else had appeared on Claimant's behalf at the hearing. Therefore, no evidence in support of the appeal was presented or considered.

LEGAL CONCLUSION

Claimant's failure to appear and to present evidence in support of the appeal is deemed to be a withdrawal of the request for a due process fair hearing, and provides cause to dismiss the appeal.

ORDER

Claimant's appeal is dismissed.

DATED: March 16, 2017

REGINA BROWN

Administrative Law Judge

Office of Administrative Hearings

NOTICE

This is the final administrative decision in this matter. Judicial review of this decision may be sought in a court of competent jurisdiction within ninety (90) days.