

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT,

vs.

NORTH BAY REGIONAL CENTER,

Service Agency.

OAH No. 2019010096

DECISION

Administrative Law Judge Holly M. Baldwin, State of California, Office of Administrative Hearings, heard this matter on May 28, 2019, in Santa Rosa, California.

Jake Stebner, Attorney at Law, appeared on behalf of North Bay Regional Center.

There was no appearance by, or on behalf of, claimant.

The matter was submitted for decision on May 28, 2019.

FACTUAL FINDINGS

1. The fair hearing request challenges a determination by North Bay Regional Center that claimant is not eligible for regional center services because he does not have a qualifying condition under the Lanterman Developmental Disabilities Services Act. (Welf. & Inst. Code, § 4500 et seq.)

2. Claimant's fair hearing request was filed on his behalf by social worker JoAnn Uribe, naming attorney Shannon Kiser as claimant's authorized representative. A hearing was scheduled on claimant's appeal for February 4, 2019. On January 31, 2019, the hearing was continued to March 14, 2019, at the request of the parties. On March 7,

2019, the motion of claimant's attorney for a second continuance was granted. The hearing was continued to May 28, 2019. The notice of hearing and the two notices of continued hearing dates were properly served on claimant's attorney in accordance with Welfare and Institutions Code section 4711.

3. Claimant subsequently filed an amended fair hearing request, received by the Office of Administrative Hearings on May 16, 2019, authorizing claimant's mother to act as his representative at the hearing. Claimant did not provide any contact information for either his mother or for himself. No request was made to change the May 28, 2019 hearing date.

4. Neither claimant's mother nor anyone else appeared on claimant's behalf at the hearing. Therefore, no evidence in support of the appeal was presented or considered.

LEGAL CONCLUSIONS

Claimant has the burden of proving that he is eligible for regional center services. The failure to appear and to present evidence in support of the appeal is deemed to be a withdrawal of the request for a fair hearing, and provides cause to dismiss the appeal.

ORDER

Claimant's appeal is dismissed.

DATED: June 3, 2019

HOLLY M. BALDWIN

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. (Welf. & Inst. Code, § 4712.5, subd. (a).)