

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

In the Matter of:

CLAIMANT

v.

REGIONAL CENTER OF THE EAST BAY, Service Agency.

OAH No. 2020030784

DECISION

Administrative Law Judge Barbara O'Hearn, State of California, Office of Administrative Hearings, heard this matter by videoconference on October 27, 2020.

No one appeared at the hearing on claimant's behalf.

Mary Dugan appeared on behalf of service agency Regional Center of the East Bay (RCEB).

The matter was submitted on October 27, 2020.

FACTUAL FINDINGS

1. Claimant applied to RCEB for retroactive funding for respite and day care expenses. RCEB denied the requested funding, and gave written notice of this

determination to claimant on March 6, 2020. On March 16, 2020, RCEB received claimant's request for a hearing.

2. The Office of Administrative Hearings sent notice for the hearing to be held on May 5, 2020. On March 24, 2020, RCEB requested a continuance on behalf of claimant. The Office of Administrative Hearings granted the continuance and scheduled the hearing for July 30, 2020.

3. On July 22, 2020, RCEB requested another continuance on behalf of claimant. The Office of Administrative Hearings granted the continuance and scheduled the hearing for August 15, 2020. On August 17, 2020, RCEB requested a third continuance on behalf of claimant. The Office of Administrative Hearings granted the continuance, and on August 24, 2020, scheduled the hearing for October 27, 2020.

4. On October 16, 2020, claimant's representative contacted the Office of Administrative Hearings about the hearing. She did not request a continuance. On October 20, 2020, RCEB sent claimant a written reminder of the hearing.

5. On the date and time scheduled for hearing, no one appeared for claimant.

6. No evidence in support of claimant's appeal was presented or considered.

LEGAL CONCLUSIONS

1. The State of California accepts responsibility for persons with developmental disabilities under the Lanterman Act. Lanterman Act services are

provided through a network of private, nonprofit regional centers, including RCEB. (Welf. & Inst. Code, § 4620.)

2. A claimant must file his or her fair hearing request within 30 days after notice of the action or decision about which the claimant seeks a hearing. (Welf. & Inst. Code, § 4710.5, subd. (a).) The Lanterman Act's fair hearing procedures generally permit claimants and regional centers to agree on timetables for resolving such disputes. (*Id.*, § 4712, subd. (e).) At claimant's request, the hearing on this matter was continued three times.

3. Claimant has the burden of proving that RCEB erred under the Lanterman Act in denying retroactive funding for respite and day care expenses. Claimant's failure to appear and present evidence provides cause to dismiss his appeal.

ORDER

Claimant's March 2020 fair hearing request is dismissed.

DATE:

BARBARA O'HEARN
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.