

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

In the Matter of:

CLAIMANT

vs.

INLAND REGIONAL CENTER, Service Agency.

DDS No. CS0008938

OAH No. 2023080591

DECISION

This matter was set for an in-person hearing at Inland Regional Center (IRC) or by telephone/videoconference, before Administrative Law Judge Marion J. Vomhof, State of California, Office of Administrative Hearings (OAH), on April 23, 2024, at 10:00 a.m.

Dana Hardy represented Inland Regional Center (IRC), the service agency.

There was no appearance by claimant or anyone else on his behalf.

Jurisdiction

1. A notice of in-person mediation on September 7, 2023, at 10:00 a.m., and a notice of in-person hearing on September 19, 2023, at 10:00 a.m., both to take place

at the IRC, were served on claimant and his listed representative, via email, on August 18, 2023.

2. On August 22, 2023, claimant filed a motion to continue the mediation and hearing, and waived time. IRC did not oppose the motion. An Order granting the continuance, setting the mediation for January 23, 2024, at 10:00 a.m., and setting the hearing for February 6, 2024, at 10:00 a.m., was served on claimant by email on August 22, 2023.

3. On January 18, 2024, IRC and claimant's representative filed a joint motion to continue the mediation and hearing. Claimant requested the in-person mediation to be held remotely, which IRC did not oppose. An Order granting the continuance, setting the mediation for April 11, 2024, at 10:00 a.m., to be held via telephone/videoconference, and setting the hearing for April 23, 2024, at 10:00 a.m., was served on claimant by email on January 19, 2024.

4. Claimant's representative appeared via telephone/videoconference for the scheduled mediation on April 11, 2024.

5. On April 22, 2024, Presiding Administrative Law Judge Adam L. Berg sent an email notice to IRC's Legal Affairs Appeals office, IRC representative Dana Hardy, and claimant's representative, stating that OAH had not received confirmation from claimant's representative that she would be attending the in-person hearing on April 23, 2024, at 10:00 a.m., at IRC. Accordingly, the hearing would remain as scheduled, however, the administrative law judge would be appearing by Zoom videoconference, and claimant may appear in person at IRC or through the Zoom link/telephone number provided in the email.

6. No response or request for a continuance was received, and as of 10:30 a.m. on April 23, 2024, no appearance was made by claimant or anyone else on his behalf, either in person at IRC or via Zoom, for the scheduled hearing. Therefore, no evidence in support of the appeal was presented or considered.

7. Claimant has the burden of proving eligibility for regional center services. Claimant's failure to appear and to present evidence in support of the appeal is deemed to be a withdrawal of his request for a fair hearing and provides cause to dismiss the appeal.

ORDER

Claimant's appeal is dismissed.

DATE: April 23, 2024

MARION J. VOMHOF
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative decision. Each party is bound by this decision. Either party may request a reconsideration pursuant to subdivision (b) of Welfare and Institutions Code section 4713 within 15 days of receiving the decision, or appeal the decision to a court of competent jurisdiction within 180 days of receiving the final decision.