

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

In the Matter of:

CLAIMANT

and

SAN GABRIEL/POMONA REGIONAL CENTER,

Service Agency.

DDS No. CS0022471

OAH No. 2024120737

DECISION

Chris Ruiz, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter at the San Gabriel/Pomona Regional Center (RC or Regional Center), on March 17, 2026.

Rosa Fernandez, Appeals and Resolutions Specialist, represented RC.

Claimant's Mother (Mother) represented Claimant. Titles are used to protect the privacy of Claimant's family.

Domingo Alvaro provided Spanish to English and English to Spanish translation services.

Testimony and documents were received as evidence. The record closed and the matter was submitted for decision on March 17, 2026.

ISSUE

Is Claimant eligible to receive services from RC pursuant to the Lanterman Developmental Disabilities Services Act (Lanterman Act), as set forth in Welfare and Institutions Code (Code) sections 4500 through 4885?

EVIDENCE RELIED ON

Exhibits 1-14 and the testimony of Mother.

FACTUAL FINDINGS

Claimant's Background and Jurisdictional Matters

1. Claimant is a 12-year-old female. In 2016, when Claimant was almost three-years-old, Westside Regional Center (WRC) assessed Claimant to determine eligibility for services. On November 11, 2016, WRC made Claimant eligible for services under the category of "Intellectual Disability" (Ex. 9.) However, WRC recommended that a further evaluation of Claimant's intellectual functioning be performed in December 2018.

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2. After being found eligible for services in November 2016, Claimant and her family moved to RC's catchment area and WRC transferred Claimant's case to RC in March 2019. RC did not schedule the further evaluation of Claimant's intellectual disability until June 27, 2024, when Claimant was seen by Dr. Thomas Carillo, Ph.D. (Ex. 10). The reasons for the delay were not established by the evidence presented. Dr. Carillo concluded that Claimant had a diagnostic impression of Language Disorder. Therefore, Claimant was determined to be ineligible for Lanterman services and supports.

3. In October 2024, RC sent a Notice of Action (NOA) and NOA letter to Claimant, which informed her that she had been found ineligible for services because WRC's decision was erroneous. (Exs. 1 and 2.)

4. On November 20, 2024, Claimant appealed RC's decision. (Ex 3.)

5. On December 16, 2024, Claimant filed an Appeal Request Change form, which stated Mother would obtain an independent evaluation to determine if Claimant had autism.

6. On August 20, 2025, Dr. Azeen Nafisi, Psy.D., evaluated Claimant after a referral by RC. Dr. Nafisi concluded that Claimant did not meet the criteria for an autism diagnosis. (Ex. 11.) Thereafter, Mother requested that RC provide an additional evaluation of Claimant to assess whether Claimant has autism or intellectual disability. RC granted Mother's request, as discussed immediately below.

7. On January 12, 2026, Dr. Julie Sanchez, Psy.D., evaluated Claimant for autism and intellectual disability. Dr. Sanchez concluded that Claimant did not meet the criteria for a diagnosis of autism or intellectual disability. Dr. Sanchez found Claimant's cognitive and behavioral profile was consistent with patterns commonly

associated with Attention-Deficit/Hyperactivity Disorder and a possible Learning Disability. (Ex. 13.)

8. On February 27, 2026, RC held an eligibility meeting to consider Claimant's case. RC concluded that Claimant was ineligible for Lanterman eligibility. (Ex. 14.)

Mother's Testimony and Evidence

9. Mother testified that Claimant has "low intelligence." Mother is concerned that Claimant has been found ineligible for services. Mother acknowledged that Claimant has been evaluated on three occasions, and has not been diagnosed as having autism or an intellectual disability.

10. Claimant did not offer any documents as evidence.

11. The evidence presented established that Claimant does not have a qualifying developmental disability, which could potentially make her eligible for RC services. The three medical professionals who evaluated Claimant after RC began managing her case, all concluded that Claimant does not have autism or intellectual disability.

LEGAL CONCLUSIONS

1. The Lanterman Act (Code, § 4500 et seq.) provides a framework for the provision of services and supports to individuals with developmental disabilities.

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2. Individuals who disagree with regional center determinations, such as in this case, may appeal the determination through a fair hearing process. (Code, §§ 4700-4716, and Cal. Code Regs., tit. 17, §§ 50900-50964).

3. Generally, when a person seeks to establish eligibility for services, that person bears the burden to demonstrate his or her eligibility, and that the RC's decision to deny eligibility is incorrect. (See Evid. Code §§ 115.) Alternatively, when a service agency seeks to terminate eligibility, or services and supports, then the service agency bears the burden of proof. In this matter, WRC initially found Claimant eligible for services. Therefore, RC bears the burden of proof in this matter.

4. Code section 4512, subdivision (a), defines a developmental disability as ". . . a disability which originates before an individual attains age 18; continues or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual." The sole qualifying disabilities are: "intellectual disability, cerebral palsy, epilepsy, and autism. . . [and] disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability but shall not include other handicapping conditions that are solely physical in nature." (*Id.*)

5. Claimant was evaluated by medical professionals on three occasions, in 2024, 2025, and 2026. None of those medical professionals concluded that Claimant has autism or an intellectual disability.

6. Mother is understandably concerned about obtaining whatever assistance is available to help Claimant.

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7. RC established that Claimant is ineligible for services, at this time. While Claimant has deficits in some areas, the evidence presented establish that Claimant does not have a qualifying diagnosis, which is required before Claimant can potentially be found eligible to receive RC services. For these reasons, Claimant's appeal must be denied.

8. For all the reasons stated above, RC's determination will be affirmed. However, if Claimant's situation changes, or if additional relevant information becomes available, Claimant may request that RC re-evaluate her for eligibility and consider all available information at that time.

ORDER

Claimant's appeal is denied. Claimant is not eligible to receive services from San Gabriel/Pomona Regional Center, pursuant to the Lanterman Developmental Disabilities Services Act.

DATE:

CHRIS RUIZ
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.