

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

In the Matter of:

CLAIMANT

and

WESTSIDE REGIONAL CENTER,

Service Agency.

DDS No. CS0022993

OAH No. 2025010221

DECISION

Harden Sooper, Administrative Law Judge (ALJ), Office of Administrative Hearings, State of California, heard this matter on September 29, 2025, at Westside Regional Center (Service Agency).

Sonia Tosado, Appeals and Resolutions Specialist, represented Service Agency.

Claimant represented herself. Claimant's name is omitted from this Decision to protect her privacy.

The ALJ received testimony and documentary evidence. The record closed and the matter was submitted for decision at the conclusion of the hearing.

ISSUE

Is claimant eligible for regional center services under the Lanterman Developmental Disabilities Services Act (Lanterman Act) under the category of autism?

EVIDENCE RELIED UPON

In reaching this decision, the ALJ relied upon Service Agency's exhibits 1 through 15; claimant's exhibits A through D; and the testimony of Karesha Gayles, Psy.D., Service Agency staff psychologist, and claimant.

FACTUAL FINDINGS

Parties and Jurisdiction

1. Claimant is 57 years old and seeks regional center services under the category of autism.
2. Service Agency is a regional center designated by the Department of Developmental Services to provide funding for services and supports to persons with developmental disabilities under the Lanterman Act, among other entitlement programs. (Welf. & Inst. Code, § 4500 et seq.)

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3. On December 5, 2024, Service Agency sent claimant a Notice of Action indicating claimant was ineligible for regional center services because she did not have a diagnosis of a qualifying developmental disability.

4. On December 12, 2024, claimant timely filed an appeal. This hearing ensued.

Claimant's Request for Services

5. Claimant was not diagnosed with autism as a child. She testified she received special education services while in school as a child, but does not have any records pertaining to those services.

6. In a written statement dated September 21, 2025, and in her testimony at the hearing, claimant explained she has spent the past four years researching autism in women. She asserted she exhibits behavior consistent with autism, including: (1) stimming, meaning self-stimulating behaviors; (2) echoing words, or echolalia; (3) intense special interests, including art and conducting legal and medical research; (4) eating the same foods every day; (5) only wearing cotton clothes, (6) listening to the same song or album for months at a time; and (7) monitoring social signals to avoid making mistakes, or masking her true identity. Claimant testified she engages in creating art, specifically painting, up to 10 hours every day to manage sensory overload and regulate her emotions.

7. Claimant has not worked in 15 or 20 years, citing her inability to complete tasks such as using a computer, filling out forms, and managing appointments. She currently attends graduate school to obtain a master's degree and hopes to become an art teacher. She receives accommodations at school, including

periodic breaks, extended time to complete assignments, and assistance with tasks requiring manual dexterity, such as cutting with scissors.

8. Crystal I. Lee, Psy.D., evaluated claimant over the course of five sessions in February and March 2022. In an undated letter, Dr. Lee stated, "it was determined from the data gathered that [claimant's] strengths and areas of support are consistent with a diagnosis of Autism Spectrum Disorder." (Ex. 10.) Dr. Lee did not provide further details of her assessment in the letter and she did not testify at hearing. Claimant did not obtain or submit any additional documentation in connection with Dr. Lee's 2022 evaluation.

9. Cory Campbell, M.D., Ph.D., has treated claimant since December 2014 predominantly for major depressive disorder and post-traumatic stress disorder (PTSD) with medication management. In a letter dated July 15, 2025, Dr. Campbell noted she is not an expert in autism, but offered information which Dr. Campbell stated could support a diagnosis of autism. According to Dr. Campbell, claimant reports the following: (1) she has difficulty budgeting; (2) grocery shopping is difficult because of bright lights in the store and because claimant forgets what she needs to buy; (3) she has auditory hallucinations; (4) she rocks her body for comfort while in her therapist's office; (5) she picks her hair and skin; (6) she has difficulty making and keeping medical appointments; (6) she has difficulty in engaging in social interactions; and (7) she does not tolerate certain tastes or textures, leading to a limited diet. Dr. Campbell noted these symptoms significantly impact claimant's life.

10. Samantha Persoff, a licensed social worker, has worked with claimant for the past four years. In a letter dated June 3, 2025, Ms. Persoff argued claimant is eligible for regional center services based upon her diagnosis of autism. Ms. Persoff explained claimant's autism results in substantial disability in five major life areas: (1)

self-direction, (2) learning, (3) communication, (4) mobility and community participation, and (5) independent living. Ms. Persoff further asserted claimant's symptoms are consistent with how autism presents in adult women, including masking her symptoms, sensory sensitivity, stimming and repetition, difficulty with emotional regulation, intense interests, and difficulty with eye contact and social nuance.

11. In a letter dated July 1, 2024, Kari M. Sacks, a licensed social worker, stated she has been associated with claimant for over 10 years as her case manager at a non-profit medical support organization. Ms. Sacks explained claimant is greatly impacted by autism and advocated for claimant to receive regional center services. Ms. Sacks asserted claimant needs assistance with budgeting, shopping, and filling out forms, among other tasks.

12. In addition to PTSD and depression, claimant suffers from medical conditions including attention-deficit disorder (ADHD), anxiety, diabetes, lupus, and Ehlers Danlos Syndrome.

13. Claimant believes she was undiagnosed with autism until adulthood because of systemic issues in connection with diagnosing autism in women. She testified credibly about the difficulties she experiences in navigating her daily life, which were corroborated by Dr. Campbell and the two licensed social workers who wrote letters on claimant's behalf. Claimant referred herself to Service Agency seeking regional center services.

Service Agency's Denial of Eligibility

14. On June 26, 2024, Service Agency conducted an intake assessment of claimant. Claimant reported concerns and difficulties consistent with those described in her written statement, her testimony, and her supporting evidence. Service Agency

recommended a psychological evaluation to rule out autism and/or intellectual disability.

15. At Service Agency's request, Kristen M. Prater, Psy.D., conducted a psychological assessment of claimant. The assessment occurred on July 30, August 15, and October 18, 2024. Dr. Prater administered several tests, including the Wechsler Adult Intelligence Scale, Fourth Edition; Wide Range Achievement Test, Fifth Edition; Adaptive Behavior Assessment System, Third Edition; and the Childhood Autism Rating Scale, Second Edition, High-Functioning. Dr. Prater concluded claimant experiences difficulties with adaptive functioning and social interactions, but did not meet the diagnostic criteria for autism. She reviewed Dr. Lee's letter diagnosing claimant with autism, but noted Dr. Lee did not provide diagnostic information explaining how claimant met the criteria for autism. Dr. Prater diagnosed claimant with severe ADHD, combined type, noting her behaviors are best explained by ADHD, not autism.

16. On July 21, 2025, Karesha Gayles, Psy.D., Service Agency staff psychologist, conducted an additional assessment of claimant. Dr. Gayles administered the Autism Diagnostic Observation Schedule, Second Edition (ADOS-2), an assessment designed for verbally fluent adolescents and adults. Dr. Gayles noted claimant demonstrated appropriate social and emotional reciprocity during the ADOS-2 assessment and found claimant did not exhibit stereotyped behaviors or repetitive motor movements during the assessment. Claimant's overall ADOS-2 results indicated a "low level of concern for behaviors typically associated with [autism]." (Ex. 7, p. A45.) Dr. Gayles concluded claimant's symptoms were attributable to anxiety, depression, executive functioning impairment, and possibly subclinical autism traits, ADHD, or a nonverbal learning disability.

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17. In her testimony at hearing, Dr. Gayles explained Service Agency's rationale for its denial of eligibility for claimant. In addition to Dr. Gayles, Service Agency's eligibility team consisted of a service coordinator; a physician; a psychology consultant; and Tom Kelly, Ph.D., Service Agency's Intake and Eligibility Services Manager. On September 10, 2025, after reviewing new information including the assessment Dr. Gayles conducted in July 2025, the eligibility team affirmed its prior decision finding claimant ineligible for regional center services because she does not have an eligible condition. Dr. Gayles reviewed Dr. Lee's letter, the letters from claimant's social workers, and claimant's written statement and testimony, none of which changed her conclusion regarding whether claimant suffers from autism. Like Dr. Prater, Dr. Gayles did not find Dr. Lee's autism diagnosis credible because she did not include any supporting information regarding the basis for the diagnosis.

Analysis

18. Claimant did not prove she has autism. Dr. Prater and Dr. Gayles found claimant did not meet the diagnostic criteria for autism. Neither examiner discussed in detail the autism diagnostic criteria, and claimant presented credible evidence undermining some of their findings regarding her stereotyped or repetitive behavior, her social interactions, and her adaptive skills related to both personal care and her ability to maintain a job. However, without additional information, Dr. Lee's findings as described in her letter do not outweigh Dr. Gayles's and Dr. Prater's findings and conclusions.

19. Claimant did not argue she has any other qualifying developmental disability, specifically intellectual disability, cerebral palsy, epilepsy, or a condition similar to intellectual disability or requiring treatment similar to that required by individuals with intellectual disability.

LEGAL CONCLUSIONS

Burden and Standard of Proof

1. Claimant bears the burden to prove by a preponderance of the evidence she is eligible for regional center services. (Evid. Code, §§ 115; 500.) “Preponderance of the evidence” means evidence that has more convincing force than that opposed to it. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

Applicable Law

2. The Legislature enacted a comprehensive statutory scheme known as the Lanterman Act (Welf. & Inst. Code, § 4500 et seq.) to provide a pattern of facilities and services sufficiently complete to meet the needs of each person with developmental disabilities, regardless of age or degree of handicap, and at each stage of life. The purpose of the statutory scheme is twofold: to prevent or minimize the institutionalization of developmentally disabled persons and their dislocation from family and community, and to enable them to approximate the pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive lives in the community. (*Assn. for Retarded Citizens v. Dept. of Developmental Services* (1985) 38 Cal.3d 384, 388.)

3. The Department of Developmental Services is the public agency responsible for carrying out the laws related to the care, custody, and treatment of individuals with developmental disabilities under the Lanterman Act. (Welf. & Inst. Code, § 4416.)

4. Under the Lanterman Act, a developmental disability is a disability that originates before an individual attains 18 years of age; continues, or can be expected

to continue, indefinitely; and constitutes a substantial disability for that individual. A developmental disability includes intellectual disability, cerebral palsy, epilepsy, autism, and other conditions similar to intellectual disability or requiring treatment similar to that required by individuals with intellectual disability, i.e., the fifth category. (Welf. & Inst. Code, § 4512, subd. (a).)

5. "Substantial disability" means the existence of significant functional limitations in three or more of the following areas of major life activity, as determined by a regional center, and as appropriate to the age of the person: (1) self-care, (2) receptive and expressive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency. (Welf. & Inst. Code, § 4512, subd. (1)(1).)

Determination of Claimant's Ineligibility for Services

6. Claimant did not prove by a preponderance of the evidence she is eligible for regional center services. As described in Factual Findings 18 and 19, claimant did not prove she has autism or any other qualifying developmental disability. Claimant may present further evidence to the regional center, at some later date, so that she can be re-assessed for her eligibility for services.

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ORDER

Claimant's appeal is denied. Claimant is not eligible to receive regional center services at this time.

DATE:

HARDEN SOOPER

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.