

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

In the Matter of:

CLAIMANT

and

REGIONAL CENTER OF THE EAST BAY, Service Agency.

DDS No. CS0024444

OAH No. 2025020420

DECISION

Administrative Law Judge Stephanie Haffner, State of California, Office of Administrative Hearings (OAH), heard this matter on April 1, 2025, in person at the Regional Center of the East Bay, 1320 Willow Pass Road, Concord, California.

Claimant's caretaker O. L. represented claimant, who did not attend the hearing.

Executive Director's designee Mary Dugan represented service agency Regional Center of the East Bay (RCEB).

The record was held open for RCEB to submit case notes, which were admitted as Exhibit 5 without objection. The record closed and the matter was submitted for decision on April 2, 2025.

ISSUES

(1) Is O.L. allowed to represent claimant as his authorized representative for purposes of this hearing?

(2) If so, does the fair hearing request seek to resolve any issue within the jurisdiction of OAH?

FACTUAL FINDINGS

1. Claimant is a 25-year-old, verbal adult with autism and other diagnoses. He is not conserved. He resides with O. L., who has a years-long caretaking relationship that began when claimant was a teenager living on his own. O. L. considers claimant as her son, and states that he considers her to be his mother. O. L. does not hold a non-medical power of attorney over claimant, but she is his Supplemental Security Income representative payee.

2. Before the current dispute, O. L. and claimant enjoyed a collaborative working relationship with claimant's prior RCEB case manager, Amy Stewart. In response to a consumer's rights complaint filed by claimant, RCEB has assigned claimant a new case manager as of March 2025.

Authorized Representative

3. On January 30, 2025 (misdated as January 30, 2024), claimant signed a fair hearing request and designated O. L. as his authorized representative. The fair hearing request states as the reason:

Rude behavior by Case Manager Ms. Ramirez and Supervisor Helen Court. On July 2023 case transfer due to [claimant's] age. After 8 months, they called, and they pressured us to have an IPP in March [2024]. Unfortunately, we were on vacation. We requested a virtual to set an [appointment] – she did not agree, citing to deactivate the case.

Claimant seeks the following to resolve the complaint:

Remove all rude behaviors – prevent this happening to any family and consumer with disabilities. Example: Ms. Ramirez said that I am not [claimant's] mother, which offended him. She never sent IPP copy by mail. Supervisor ignored our request for a new case manager and they called [Adult Protective Services] with false declarations.

RCEB's representative stated that this fair hearing request was not filed because it was submitted on an outdated form.

4. On February 11, 2025, the authorized representative filed another fair hearing request on behalf of claimant stating substantially the same claims. The request states:

Request new case manager; requests ignored; rude behavior by supervisor H. Court and case manager Ms. Ramirez; both failed to set as required an IPP on a timely basis; followed by refusal to send as requested the IPP report; failed to stay at home visit; went in room without

permission; false declaration to [Adult Protective Services] -

NO CASE MANAGER FOR 8 MONTHS

This matter was set for hearing. It is determined that O. L. is claimant's authorized representative for purposes of this hearing and has the authority to represent him in this proceeding. (See Legal Conclusion 3.)

Jurisdiction

5. Lindsay Meninger, Associate Director for Client Services, testified on behalf of RCEB. She stated that claimant's Individual Program Plan (IPP) was in effect for three years from March 2022 to March 2025. In September 2023, the authorized representative communicated to case manager Stewart that claimant was out of the country. From February 2024 to April 2024, Stewart's successor, RCEB case manager Thifany Ramirez, attempted to set up an annual review meeting concerning claimant's IPP. Because claimant lives with O. L., who is a non-relative, Ramirez sought an in-home meeting for the annual review.

The annual review took place at claimant's home on May 8, 2024, and Ramirez and Meninger attended the meeting. Claimant and his authorized representative also attended; however, claimant excused himself after about five minutes. Ramirez and Meninger discussed services to help claimant with independence and connection to people outside the home, including a day program, social recreation, and supported living. The authorized representative declined these services on behalf of claimant.

6. From July to August 2024, RCEB staff also attempted to provide a cell phone at no expense to claimant so that he could communicate independently. Due to various delays and barriers, RCEB staff did not succeed, and claimant eventually withdrew his request for this service.

7. Meninger stated that RCEB did not withhold the report of the May 2024 annual review meeting from claimant. RCEB declined to provide it to the authorized representative because claimant did not request that of RCEB, and he is a legally independent adult.

8. During the hearing, the authorized representative stated that in the past claimant expressed interest in attending a day program. However, she did not know whether claimant still sought that service. The authorized representative stated that claimant did not need a cell phone from RCEB. Claimant's IPP goals and plan were reviewed, and the authorized representative stated that claimant does not dispute the services RCEB provided or seek additional services.

9. The evidence does not establish a dispute by claimant concerning his eligibility for RCEB services, or the nature, scope, or amount of such services from RCEB. The authorized representative's concern that there was not an assigned case manager for eight months, request for a new case manager for claimant, dispute with RCEB staff member reports to Adult Protective Services, and related complaints about RCEB staff conduct do not involve eligibility for RCEB services, or the nature, scope, or amount of such services. These are the types of concerns that can be addressed in claimant's consumer's rights complaint. Therefore, OAH has no jurisdiction under the Lanterman Act to provide relief to claimant. (See Legal Conclusion 6.)

LEGAL CONCLUSIONS

1. Under the Lanterman Developmental Disabilities Services Act (Lanterman Act), the Legislature created a comprehensive scheme to provide services and supports

for people with developmental disabilities. (Welf. & Inst. Code, § 4500 et seq.) (All further statutory citations are to the Welfare and Institutions Code.)

2. The Lanterman Act sets forth a fair hearing process to resolve disputes with regional centers about a person's eligibility for services, or the nature, scope, or amount of services and supports that a person should receive. (§ 4700 et seq.) This appeal was initiated before OAH under those fair hearing procedures.

Section 4710.5, subdivision (a), provides:

Any applicant for or recipient of services, or authorized representative of the applicant or recipient, who is dissatisfied with a decision or action of the regional center or state-operated facility under this division shall, upon filing a request within 60 days after notification of that decision or action, be afforded an opportunity for an informal meeting, a mediation, and a fair hearing.

3. By his signature, claimant authorized the authorized representative to represent him in the January 2025 fair hearing request. It is determined that O. L. is authorized to represent claimant in this hearing pertaining to the February 2025 fair hearing request that states substantially the same claims.

4. The Lanterman Act sets forth a separate procedure for resolving complaints about alleged violations of consumer's rights. (§ 4731.) Consumer's rights complaints are resolved by letter to the director of the regional center from which the consumer receives case management services; the director shall investigate and send a written proposed resolution. (§ 4731, subd. (b).)

5. Under California Code of Regulations, title 17, section 50966, subdivision (b), if a service agency believes that a fair hearing request raises issues that are not appropriately addressed by the fair hearing process under section 4700 et seq., the service agency may file a request with OAH to have the matter dismissed. In this case, no such request was made in writing, but RCEB's representative asserted at hearing that OAH does not have jurisdiction to consider claimant's appeal because it is the subject of the consumer's rights complaint process. This assertion is persuasive.

6. OAH may only act under the authority granted to it by statute or regulation. Lanterman Act's fair hearing process is to resolve disputes about eligibility or the nature, scope, or amount of services and supports from the service agency. Because claimant does not dispute the nature, scope, or amount of services and supports that he received or receives from RCEB, OAH has no jurisdiction to provide relief to claimant and his appeal must be dismissed.

ORDER

This appeal is dismissed for lack of jurisdiction.

DATE:

STEPHANIE E. HAFFNER
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.