

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

**In the Matter of:**

**CLAIMANT**

**and**

**ALTA CALIFORNIA REGIONAL CENTER, Service Agency**

**DDS No. CS0024734**

**OAH No. 2025030401**

**DECISION**

Wim van Rooyen, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, conducted a fair hearing on April 14 and May 6, 2025, by videoconference from Sacramento, California.

Robin M. Black, Legal Services Manager, represented Alta California Regional Center (ACRC) on both hearing days.

On April 14, 2025, Claimant's brother and authorized representative (Brother) appeared and represented Claimant, who was not present. Neither Claimant nor Brother appeared on May 6, 2025, as discussed below.

Evidence was received, the record closed, and the matter submitted for decision on May 6, 2025.

## **ISSUE**

Did ACRC violate the Lanterman Act when it authorized vendor InAlliance, Inc. (InAlliance) to provide Claimant with Community Integration Transition Program (CITP) services on Fridays alongside another client at a 1:2 staff-to-client ratio?

## **FACTUAL FINDINGS**

### **Jurisdiction and Procedural History**

1. Claimant is an individual receiving Lanterman Act services coordinated through ACRC. Such services include Claimant's participation in a CITP provided by InAlliance. Since early October 2022, Claimant received CITP services on Mondays through Thursdays at a 1:1 staff-to-client ratio. In December 2024, ACRC authorized InAlliance to provide Claimant with additional CITP services on Fridays, but alongside another client at a 1:2 staff-to-client ratio. No Notice of Action (NOA) was issued related to that change.

2. On February 28, 2025, Brother, on behalf of Claimant, signed and thereafter filed an appeal concerning the Friday CITP services. The appeal asserts that ACRC reduced Claimant's CITP services without proper notice, informed consent, and a reassessment of her needs, and without issuing the required NOA. The matter was set for a fair hearing before an ALJ of the OAH, an independent adjudicative agency of the State of California.

3. The matter was initially noticed for a single day of hearing on April 14, 2025. Before the hearing, Brother requested a continuance on the basis that he had not received Claimant's entire client file from ACRC. The undersigned granted the continuance and ordered ACRC to produce Claimant's entire client file no later than April 18, 2025, along with a declaration from ACRC's custodian of records. However, after further discussions, the parties agreed to start the hearing on April 14, 2025, with only ACRC to present its evidence and witnesses that day, and with the matter to be continued for a second day of hearing. All parties agreed on May 6, 2025, at 1:00 p.m., as the second day of hearing. ACRC did not conclude presentation of its evidence on April 14, 2025.

4. On April 15, 2025, the undersigned issued a Continuance Order and Order Compelling Production of Documents, consistent with the foregoing. The order confirmed the second day of hearing on May 6, 2025, at 1:00 p.m., using the same Zoom link previously provided for the April 14, 2025 hearing. The order was served on all parties the same day it was signed.

5. On May 6, 2025, at 1:00 p.m., ACRC appeared but neither Claimant, Brother, nor anyone else purporting to represent Claimant appeared. OAH's records showed no evidence of any e-mails, phone calls, or other communications from Claimant or Brother regarding an emergency or inability to appear. After waiting over 15 minutes, the second day of hearing commenced at 1:17 p.m. ACRC completed presentation of its evidence. Although Claimant was not present to present any evidence, all three of Claimant's previously-uploaded exhibits were admitted into evidence with no objection by ACRC.

## **ACRC's Evidence**

6. Claimant is a 54-year-old woman eligible for Lanterman Act services based on her diagnoses of mild intellectual disability and autism. Claimant presently resides with her elderly mother in El Dorado Hills, California. Claimant does not have a guardian or conservator. However, she has executed a general durable power of attorney form designating Brother as an agent to make legal and financial decisions on her behalf.

7. Claimant has been a client of ACRC and InAlliance for approximately 24 years. InAlliance is an ACRC vendor, and ACRC funds Claimant's participation in the CITP offered by InAlliance for a set number of hours. The CITP supports adults with developmental disabilities in maintaining paid employment or volunteer work in the community. It also provides them with opportunities to socialize and participate in community activities.

8. Since May 2020, Claimant has been working as a courtesy clerk at Raley's in El Dorado Hills on Mondays through Thursdays. An InAlliance staff member transports her to and from work; provides her with coaching and support during work hours; and accompanies Claimant to lunch and personal shopping trips. InAlliance provides Claimant's CITP services on Mondays through Thursdays on a 1:1 staff-to-client ratio solely because no other InAlliance client also works at Raley's in El Dorado Hills.

9. Around May or June of 2020, InAlliance also added Fridays to Claimant's schedule to further support her with other non-work-related goals, such as socializing in the community. Specifically, the InAlliance staff member started taking Claimant to lunch and shopping for additional hours on Fridays, which ACRC agreed to fund.

InAlliance was able to offer such additional Friday CITP services due to an increase in available program hours at the time. Such increased availability resulted from numerous clients ceasing participation in the CITP following onset of the COVID-19 pandemic. InAlliance provided Claimant's Friday CITP services on a 1:1 staff-to-client ratio solely because no other InAlliance client desired such services at the time. Claimant does not specifically require one-on-one staff supervision while socializing in the community.

10. In early October 2022, InAlliance notified ACRC and Claimant that InAlliance could no longer offer Claimant Friday CITP services due to inadequate staffing. Instead, it would increase the number of service hours provided to Claimant on Monday through Thursday and shift Claimant's non-work-related Friday activities to take place after work hours on those days. Given the foregoing, InAlliance represented that the services and total service hours Claimant receives from InAlliance would remain unchanged, and that her work- and non-work-related goals would continue to be met by the InAlliance CITP.

11. Brother, on behalf of Claimant, appealed the removal of Claimant's Friday CITP services. After a fair hearing on December 22, 2022, the undersigned issued a Decision dated January 4, 2023 (2023 Decision), denying that appeal. The 2023 Decision explained that removal of Claimant's Friday CITP services amounted to a schedule change; not a change in the total number of service hours, the types of services, or the level of services provided. Moreover, the schedule change was driven by a need to work with limited resources, not any desire to change Claimant's services. The CITP services continued to meet Claimant's needs and goals.

12. On December 9, 2024, ACRC conducted an annual Individual Program Plan (IPP) meeting for Claimant by videoconference. Claimant, Brother, Claimant's

ACRC service coordinator, and an InAlliance representative participated. At the meeting, InAlliance shared that it once again had sufficient staffing to offer Claimant Friday CIP services to work on non-work-related goals. Such Friday CIP services would be in addition to what she already received on Mondays to Thursdays and would take place alongside another InAlliance client known to Claimant at a 1:2 staff-to-client ratio. Claimant orally agreed that she wanted to receive the offered Friday CIP services, and Brother did not object.

13. On December 10, 2024, based on Claimant's oral authorization, ACRC agreed to fund, and authorized InAlliance to provide, an additional 18 hours per month of Friday CIP services to Claimant at a 1:2 staff-to-client ratio. On December 12, 2024, ACRC e-mailed Claimant documentation to electronically sign authorizing the Friday CIP services. Claimant started receiving Friday CIP services on December 13, 2024.

14. For the next couple of months, Claimant did not sign the requested documentation authorizing the Friday CIP services. This was reportedly due to Brother's concerns about the Friday CIP services and documentation.

15. On February 21, 2025, Claimant's assigned InAlliance staff member drove Claimant to ACRC's Placerville office at ACRC's request. That day, Claimant's ACRC service coordinator reviewed and explained the documentation authorizing Friday CIP services to Claimant and her assigned InAlliance staff member. Claimant again stated that she agreed to the Friday CIP services and signed the documentation.

16. Claimant presently continues to receive Friday CIP services. Those services include taking Claimant and a peer to lunch and accompanying them while they volunteer at a cat rescue, exercise at the gym, and go to the library. Claimant

enjoys the Friday CITP services and has never told InAlliance or ACRC that she wants to discontinue them. ACRC and InAlliance also believe that the Friday CITP services alongside a peer meet Claimant's needs and serve her goal of socializing in the community.

## **Claimant's Evidence**

17. Claimant did not present any evidence at hearing. However, all three of Claimant's previously-uploaded exhibits were nonetheless admitted to allow proper consideration of Claimant's arguments outlined in the exhibits. Those arguments are addressed in the Legal Conclusions below.

## **LEGAL CONCLUSIONS**

1. The Lanterman Act governs this case. (Welf. & Inst. Code, § 4500 et seq.) An administrative "fair hearing" to determine the rights and obligations of the parties, if any, is available under the Lanterman Act. (Welf. & Inst. Code §§ 4700-4716.)

2. The Lanterman Act sets forth the regional center's responsibility for providing services and supports for eligible persons with developmental disabilities to enable them to "approximate the pattern of everyday living available to people without disabilities of the same age." (Welf. & Inst. Code, § 4501.) An "array of services and supports should be established. . . to meet the needs and choices of each person with developmental disabilities. . . to support their integration into the mainstream life of the community. . . [and to] prevent dislocation of persons with developmental disabilities from their home communities." (*Ibid.*) Additionally, "[i]t is the intent of the Legislature that agencies serving persons with developmental disabilities shall produce

evidence that their services have resulted in consumer or family empowerment and in more independent, productive, and normal lives for the persons served." (*Ibid.*)

3. Here, Claimant asserts that ACRC's authorization of Claimant's Friday CITP services violated the Lanterman Act in various respects. Claimant bears the burden of proving such a violation by a preponderance of the evidence. (See Evid. Code, §§ 500 ["Except as otherwise provided by law, a party has the burden of proof as to each fact the existence or nonexistence of which is essential to the claim for relief or defense that [s]he is asserting"] & 115 ["Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence."].) A 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.)

4. Brother, on behalf of Claimant, asserts that ACRC reduced Claimant's CITP services without proper notice, informed consent, and a reassessment of her needs, and without issuing the required NOA. Brother is mistaken.

5. The status quo before December 2024 was that Claimant received a set number of hours for CITP services at a 1:1 staff-to-client ratio on Monday to Thursdays only. Although Claimant previously appealed the removal of Friday CITP services, that appeal was unsuccessful. In December 2024, ACRC authorized InAlliance to provide Claimant with additional CITP services on Fridays, but alongside another client at a 1:2 staff-to-client ratio. The change in December 2024 amounted to an *addition*, not a reduction, of CITP services. For that reason, no NOA was required.

6. Brother's contention that ACRC authorized the Friday CITP services without proper notice and informed consent is also unsupported by the evidence.



ACRC provided evidence that Claimant orally agreed to the Friday CITP services, and Brother did not object to them, at the December 9, 2024 IPP meeting. No contrary evidence in the form of testimony or a declaration under penalty of perjury was presented at hearing. Moreover, on February 21, 2025, Claimant provided informed consent when she signed the documentation authorizing Friday CITP services after her ACRC service coordinator reviewed and explained it to her. Even though Claimant designated Brother as an agent to make legal and financial decisions on her behalf, she does not have a court-appointed conservator or guardian. She remains competent and able to consent to Lanterman Act services without Brother's approval.

7. Finally, Brother's argument that ACRC improperly failed to reassess Claimant's needs before authorizing the Friday CITP services lacks merit. Brother presented no evidence that Claimant's needs or goals changed, or that a reassessment was otherwise necessary to add the Friday CITP services.

8. In sum, Claimant has not established any violation of the Lanterman Act. Thus, her appeal must be denied.

## **ORDER**

Claimant's appeal concerning Alta California Regional Center's December 2024 authorization of Community Integration Transition Program services on Fridays at a 1:2 staff-to-client ratio is DENIED.

DATE: May 15, 2025

WIM VAN ROOYEN  
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 under Welfare and Institutions Code section 4713, subdivision (b), 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.