

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

In the Matter of:

CLAIMANT,

and

WESTSIDE REGIONAL CENTER,

Service Agency.

DDS No. CS0027182

OAH No. 2025060182

DECISION

Thomas Heller, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on August 1, 2025.

Claimant's mother (Mother) represented Claimant as her authorized representative. Claimant did not appear at the hearing. The names of Claimant and her mother are not used in this decision to protect their privacy.

Ron Lopez, Individuals with Disabilities Education Act Specialist, represented the Westside Regional Center (WRC).

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on August 1, 2025.

ISSUES

1. Should WRC be ordered to change Claimant's service coordinator?
2. Should WRC be ordered to produce Claimant's case file in the specific manner Mother demands?

EVIDENCE RELIED UPON

Exhibits: WRC exhibits 1, 4, 5, 7 through 14, and 16 through 19; Claimant's exhibits A through E, G through V, Y through LL, and NN through PP. Testimony: no witnesses testified for WRC; Mother testified for Claimant.

FACTUAL FINDINGS

Background

1. The Department of Developmental Services (Department) administers the Lanterman Developmental Disabilities Services Act (the Lanterman Act or the Act) to ensure that necessary services and supports are provided to persons with developmental disabilities to help them lead more independent, productive, and normal lives. (Welf. & Inst. Code, § 4500.) WRC is one of 21 nonprofit regional centers established by the Act to "evaluate the developmentally disabled persons (whom the Act calls 'consumers'), develop individually tailored plans for their care, enter into

contracts with direct service providers to provide the services and support set forth in the plans, and monitor the implementation of those contracts and the consumers' plans. [Citations.]" (*Shalghoun v. North Los Angeles County Regional Center, Inc.* (2024) 99 Cal.App.5th 929, 937.) Each regional center serves consumers within a particular geographic area of the state known as a "service catchment area," as specified in a contract with the Department. (Welf. & Inst. Code, §§ 4620, subd. (a), 4640, subd. (a); Cal. Code Regs., tit. 17, § 54302, subd. (a)(58).)

2. Claimant is a 23-year-old woman who is a WRC consumer. She is not conserved and qualifies for Lanterman Act services and supports based on a diagnosis of autism spectrum disorder. Claimant was a WRC consumer from about 2005 until she moved out of state in about 2018. She returned to WRC's service catchment area in about May 2024, which prompted WRC to develop a new Individual Program Plan (IPP) for her.

3. "The rights of developmentally disabled persons and the corresponding obligations of the state toward them under the Lanterman Act are implemented in the Individual Program Plan (IPP) procedure." (*Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 390.) Regional centers are required to develop an IPP for each client that "must be prepared and reviewed and, if necessary, modified at least annually, and must include the following: an assessment of the client's capabilities and problems; a statement of time-limited objectives for improving his situation; a schedule of the type and amount of services necessary to achieve these objectives; and a schedule of periodic review to insure that the services have been provided and the objectives have been reached. [Citation.]" (*Ibid.*) Claimant's most recent IPP with WRC is dated May 10, 2024; the planning team for the IPP included Claimant, Mother, and WRC service coordinator Bryce Graham. A

service coordinator is the person “responsible for implementing, overseeing, and monitoring each [IPP].” (Welf. & Inst. Code, § 4647, subd. (b).)

4. Since the date of the IPP, WRC has changed Claimant’s service coordinator several times at Mother’s request, but none of the service coordinators have been acceptable to Mother. Mother contends that under WRC’s current leadership, service coordinators “are instructed to lie, hide public information, hide information about services, mislead and deceive developmentally disabled consumers, and to break the law . . . in order to make sure the consumer does not get services they need” (Exhibit B, p. B24.) Mr. Graham became unacceptable to Mother after he placed Claimant in residential housing that Mother described as a “crack house” in a “ghetto” neighborhood in southeast Inglewood. (*Id.* at p. B25; Exhibit 14, p. A67.) Claimant eloped from the home and was thereafter hospitalized for psychiatric issues, which Mother attributes to “negligence on the part of [Mr.] Graham and his supervisors” (Exhibit B, p. B24.) Claimant’s housing situation is still unresolved, and it was recently the subject of a separate fair hearing appeal and decision. (See Exhibit 14 [Decision, OAH No. 2025031108, June 23, 2025].)

5. A subsequent service coordinator, Maria Carranza, was unacceptable to Mother because Ms. Carranza allegedly “ignored all written materials given, made meeting appointments and did not show up for the meetings, and then repeatedly sent Consumer only housing placements in the same southeast Inglewood dessert [sic] where she went missing and almost died the prior summer” (Exhibit B, p. B25.) The next service coordinator, Christina Mellia, was unacceptable to Mother because Ms. Mellia allegedly “issued private communications about [Claimant’s] confidential case with WRC to a third party outside of WRC without consumer’s written consent. . . .” (*Ibid.*) Furthermore, Mother contends Ms. Mellia “is disqualified, does not follow the

law, and must be replaced. She also wrote an email to consumer's authorized representative stating WRC has no housing for [Claimant], which is a lie." (*Ibid.*)

6. Additionally, Mother contends WRC is withholding Claimant's file from Mother. In May 2025, Mother started sending emails to Mr. Lopez and others at WRC demanding the records and "explicitly request[ing] the record be sent in chronological order, unredacted via readable PDF scan that could be broken – in chronological order, into three PDFs if necessary." (Exhibit B, B26.) But according to Mother, Mr. Lopez "wrote several emails opining on how they needed to do it at least 4 other ways which would result in high expense to the Claimant," which was unacceptable to Mother. (*Ibid.*)

7. On May 30, 2025, Claimant submitted a Lanterman Act Appeal Request Form and accompanying Representative Authorization Form for Mother contending: (1) WRC "refuses to change [Claimant's] service coordinator – thereby constructively blocking her from service;" and (2) WRC "illegally refuses to allow [Claimant] to have a copy of her case file record." (Exhibit A, pp. B6-7.) According to the appeal, these alleged actions of WRC were part of an "intentional campaign of retaliation against [Claimant]" by WRC's director and a prior client services director for WRC. (*Id.* at p. B6.) The appeal requested that WRC's director be ordered "to provide [Claimant] a new service coordinator forthwith, immediately, with no further excuses," and "to provide [Claimant] a complete and unredacted copy of her entire case file from case inception . . . to present day." (*Id.* at p. B9.)

8. On June 2, 2025, Mr. Lopez emailed Mother stating he would need a "jump drive" (i.e., a USB flash drive) to send Claimant's case file to Mother electronically because the file was too big to send via email. Alternatively, WRC could make a physical copy of the case file for either certified delivery or pickup by an

authorized person. As to the request for a new service coordinator, Mr. Lopez stated it had not been denied, but was "rather in a hold pattern due to limited staff." (Exhibit 8, p. A28.)

9. On June 3, 2025, Mother responded, "Having a paper copy that we have to scan ourselves or getting a hard drive is not going to work for what we need." (Exhibit D, p. B33.) Mother stated she would instead "consent to [the file] being sent within 2 separate PDFs scanned in order of chronology to reduce size and then sent to us via transferxl or wetransfer," which are third-party file transfer services. (*Ibid.*) Regarding the service coordinator, Mother stated, "the excuse that we can't have a new service coordinator because you don't have one – that is still a lie and we don't accept it and you are breaking the law and blocking [Claimant] from service. . . ." (*Ibid.*)

10. Mr. Lopez consulted with WRC's Information Technology Department, which indicated WRC could also offer Mother access to the file through Microsoft Sharepoint, a file-sharing application that WRC used. On June 5, 2025, WRC sent Mother a Sharepoint link for the file, to which Mother replied, "I have received a one drive [i.e., a Sharepoint] link and have downloaded what was there. Due to the fact that WRC put at least 20 duplicate files there – that were exactly the same – I suspect foul[] play and that you have withheld documents." (Exhibit 9, p. A30.) Mother also stated, "it will take me a week to review everything and if I find that files are missing I will be coming to you again and reasserting [Claimant's] right to her entire file." (*Ibid.*)

11. On July 11, 2025, WRC requested that OAH dismiss this appeal on the grounds that it had produced Claimant's file and assigned a new service coordinator for Claimant. Mother opposed the request, which OAH denied without prejudice. (Order, July 11, 2025.) On July 21, 2025, Ms. Carranza sent a letter notifying Mother that WRC had again assigned Claimant a new service coordinator (Rianna Lara

Godfrey) at Mother's request. (Exhibit 7, p. A26.) Two days later, Mr. Lopez also emailed Mother separately confirming the change. (Exhibit 12, p. A43.) But Mother refused to acknowledge the change because the notice came from Ms. Carranza, whom Mother contended had been acting on Claimant's case "illegally" and "against [Claimant's] will." (*Id.* at p. A42.) In the same email conversation, Mother also accused Mr. Lopez of acting in a manner "beneath you as a human being," and WRC's director of being "the head driving person here who is fully responsible for the ongoing torture, retaliation, and malicious illegal action against [Claimant]," among other accusations. (*Id.* at p. A44.)

Hearing

12. At the hearing, WRC contended it has not denied the demands for a change in service coordinator or Claimant's file. Therefore, WRC believes the appeal should be dismissed.

13. In her testimony, Mother attacked the conduct, honesty, and ethics of Mr. Lopez, WRC's director, and other WRC employees in the same manner as in her correspondence with WRC. With respect to a service coordinator change, Mother testified she did not acknowledge the change to Ms. Godfrey because Mother would not respond to any communication from Ms. Carranza. With respect to Claimant's case file, Mother testified that WRC's Sharepoint link only worked once, and Mother was only able to review some of the documents before the link "timed out." According to Mother, what she was able to review was obviously incomplete and included many duplicate documents not organized chronologically. Mother does not agree to that manner of delivering Claimant's file, or to any other manner of delivering it that WRC has proposed. In Mother's view, "[t]he file tree is a scam and did not work. A flash drive will end up costing us hundreds of dollars to print it all. Sending a printed paper copy

will cost hundreds of dollars to scan.” (Exhibit B, p. B27.) Instead, Mother requests an order directing WRC to give Claimant “her entire, accurate, unredacted, untampered with record . . . given in chronological order in the form of 3-4 consecutive readable PDF scans that will be sent to authorized rep either through email or transferxl.com – per our repeated written request.” (*Id.*, emphasis and capitalization omitted.)

LEGAL CONCLUSIONS

Legal Standards

1. “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 . . . 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.” (Welf. & Inst. Code, § 4710.5.) The fair hearing procedures in the Lanterman Act describe two types of notifications that a regional center must provide a consumer about a decision or action from which a request for a fair hearing can result. First, a regional center must provide a notification when it proposes to “reduce, terminate, or change services set forth in an . . . [IPP]” or when a consumer is determined to be no longer eligible for services. (Welf. & Inst. Code, § 4710, subd. (a)(1)-(2).) Second, a regional center must provide a notification when it decides “to deny the initiation of a service or support requested for inclusion in the [IPP].” (*Id.*, subd. (b).)

2. The Lanterman Act also establishes a separate complaint process for a consumer or authorized representative “who believes that any right to which a consumer is entitled has been abused, punitively withheld, or improperly or unreasonably denied by a regional center . . . or service provider. . . .” (Welf. & Inst.

Code, § 4731, subd. (a).) The complaint is first submitted to the involved regional center's director, who shall investigate and send a written proposed resolution. (*Id.*, subd. (b).) If the complainant is not satisfied with the proposed resolution, the complaint can be elevated to the Department. (*Id.*, subd. (c).)

3. With respect to service coordinators, the Lanterman Act states, "[n]o person shall continue to serve as a service coordinator for any individual program plan unless there is agreement by all parties that the person should continue to serve as service coordinator." (Welf. & Inst. Code, § 4647, subd. (b).) With respect to records, "access to records regarding an applicant for, or recipient of, services shall be provided, upon request, to the applicant, recipient, or their authorized representative . . . for any purpose, including, but not limited to, the appeal process under this chapter, unless disclosure of the record is expressly prohibited by law." (Welf. & Inst. Code, § 4726.) "Each regional center and the department for its state-operated facilities shall adopt procedures for granting of requests by persons authorized under Section 4726 for access to records during regular business hours, provided that access shall be granted no later than three business days following the date of receipt of the oral or written request for access." (Welf. & Inst. Code, § 4728.) "Procedures shall include notice of the location of all records and the provision of qualified personnel to interpret records if requested." (*Ibid.*)

Analysis

4. As an initial matter, it is questionable that the issues raised in the appeal are appropriate to address under the fair hearing procedures in the Lanterman Act. Mother's demands on Claimant's behalf do not involve a proposed reduction, termination, or change of service set forth in Claimant's IPP, or a denial of the initiation of a service or support. (Welf. & Inst. Code, § 4710, subds. (a), (b).) Furthermore, WRC

has not issued a notice of proposed action to deny Mother's demands on Claimant's behalf.

5. Given these considerations, the complaint procedure in Welfare and Institutions Code section 4731 seems more appropriate for the demands at issue than a fair hearing appeal. However, WRC did not raise this issue, and in fact referred this matter to OAH as a fair hearing appeal. With no challenge to the appropriateness of using the fair hearing procedure, the appeal will be addressed on the merits.

6. Considering the merits, the evidence does not show a basis for granting the appeal. As to Claimant's service coordinator, Mother's demand for a change has not been denied; to the contrary, WRC has changed Claimant's service coordinator several times, and most recently did so in late July 2025, changing Claimant's service coordinator to Ms. Godfrey. But Mother refused to acknowledge the change to Ms. Godfrey because Mother refuses to respond to any communication from Ms. Carranza, who sent the initial notice to Mother of the change. Mr. Lopez separately emailed Mother about the change soon thereafter, but Mother still refused to acknowledge the change. Given this recent, latest change of Claimant's service coordinator, there is no basis for an order directing WRC to change Claimant's service coordinator again.

7. As to Claimant's file, the evidence proves that WRC has not denied Mother access to it. To the contrary, WRC gave Mother several options to obtain Claimant's file, but none was acceptable to Mother. WRC offered to put the file on a jump drive if Mother sent one to WRC; she declined. WRC also offered to make a physical copy of the case file for either certified delivery or pick up by an authorized person; Mother refused. WRC also sent Mother a Sharepoint link to access Claimant's file, which Mother stated in an email she downloaded (see exhibit 9, p. A30), but which she testified at the hearing she was only partially able to review before the link "timed

out.” Mother’s difficulty reviewing the documents provided using the Sharepoint link is not proof that WRC denied access to Claimant’s file.

8. All these options were reasonable proposals to accommodate Mother’s demand for Claimant’s case file. Mother’s dissatisfaction with the proposals and difficulties with the Sharepoint link do not prove WRC has refused to make the file available, and do not justify ordering its production in a different, specific manner by email or by a file-transfer protocol of Mother’s own choosing. The Lanterman Act’s requirement of access to records upon request does not require WRC to produce Claimant’s file in the particular way Mother wants it produced. Furthermore, Mother’s contention that the documents WRC delivered through Sharepoint were not the complete file for Claimant is questionable, since Mother testified she was only able to review some of the documents.

9. Given the above, there is no basis for granting the demands in the appeal.

ORDER

Claimant’s appeal is denied.

DATE:

THOMAS HELLER
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.

**BEFORE THE
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STATE OF CALIFORNIA**

In the Matter of:

CLAIMANT

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WESTSIDE REGIONAL CENTER,

Service Agency.

DDS No. CS0027182

OAH No. 2025060182

ORDER DENYING CLAIMANT'S APPLICATION FOR RECONSIDERATION

An Administrative Law Judge (ALJ) from the Office of Administrative Hearings (OAH) issued a final decision (Decision) in this matter on August 14, 2025.

On August 22, 2025, Claimant's authorized representative, her Mother, applied to OAH for reconsideration of the Decision under Welfare and Institutions Code section 4713 (application). The application was timely submitted. Service Agency was notified of the application, as was the Department of Developmental Services (DDS).

The undersigned hearing officer, who did not hear the matter or write the decision for which reconsideration is requested, was assigned to decide the application.

As discussed in more detail below, pursuant to Welfare and Institutions Code section 4713, subdivision (b), a party may apply for reconsideration to correct a mistake of fact or law or a clerical error in a final decision; or to address the decision of the original hearing officer not to recuse him or herself following a request pursuant to Welfare and Institutions Code section 4712, subdivision (g). (Undesignated statutory references are to the Welfare and Institutions Code.)

THE APPLICATION

The Decision considered two issues: (1) should Service Agency be ordered to change Claimant's service coordinator; and (2) should Service Agency be ordered to produce Claimant's case file in the specific manner Mother demands.

Although the ALJ noted the two issues in question probably were more appropriately decided by the complaint procedure in Welfare and Institutions Code section 4731, he nonetheless addressed the appeal on the merits. The ALJ concluded the evidence did not show a basis for granting Claimant's appeal on either issue.

The application makes clear the first issue concerning changing the service coordinator was resolved subsequent to the hearing, and therefore the application pertains only to the second issue concerning production of Claimant's case file.

In that regard, the application is based on the following arguments: (1) the ALJ relied upon the unsworn statements of Service Agency's hearing representative as if

they were sworn testimony; (2) Service Agency “mutilated” Claimant’s appeal filing, causing the ALJ to review less than the entire appeal filed with DDS; (3) the ALJ did not correctly address the issue on appeal as stated in Claimant’s appeal filing concerning Claimant’s case file; and (4) the ALJ erroneously disregarded statutes cited by her, relied on irrelevant statutes in his Legal Conclusions, and included a number of irrelevant Factual Findings based on irrelevant evidence admitted over her objection.

Service Agency did not file a response.

APPLICABLE LAW

Reconsideration

As cited above, section 4713, subdivision (b), allows reconsideration “for a correction of a mistake of fact or law.” Pursuant to section 4713, subdivision (d), the application for reconsideration must be decided within 15 days of receipt; the hearing office responsible for deciding the application may deny it, grant it and modify the decision, or grant it and set the matter for another hearing.

The wording of section 4713, subdivision (b), as well as the expedited deadline for deciding an application set by section 4713, subdivision (d), make clear that the mistake of fact or law in question must be apparent from the decision, such as an obvious mathematical error in calculating hours of service, an order that fails to accurately encompass the legal conclusions, citation to the wrong statute, or reliance on a law that is no longer in effect. In such instances, the hearing office can either correct the mistake if the resolution is apparent from the decision, or order the matter to be reheard if the resolution is not apparent.

There is nothing in section 4713 suggesting an application for reconsideration contemplates the hearing office reviewing the entire record, including the admitted exhibits and the recorded hearing, to determine if the ALJ made errors in evidentiary rulings or made mistakes of fact or law. That process is undertaken in an appeal of the decision to the Superior Court, not in an application for reconsideration pursuant to section 4713.

Access to Records

The following provisions of the Lanterman Developmental Disabilities Services Act (the Lanterman Act, § 4500 et seq.) apply to a request for access to and copies of a consumer's case file with a regional center. These provisions were cited in the Decision, except for section 4725 below concerning the definition of the word "access" contained in the other two statutes.

Pursuant to section 4726, "access to records regarding an applicant for, or recipient of, services shall be provided, upon request, to the applicant, recipient, or their authorized representative . . . for any purpose, including, but not limited to, the appeal process under this chapter, unless disclosure of the record is expressly prohibited by law."

Section 4725, subdivision (a), defines "access" to mean "the right to inspect, review, and obtain an accurate copy of any record obtained in the course of providing services under this division."

"Each regional center and the department for its state-operated facilities shall adopt procedures for granting of requests by persons authorized under Section 4726 for access to records during regular business hours, provided that access shall be granted no later than three business days following the date of receipt of the oral or

written request for access.” (§ 4728.) “Procedures shall include notice of the location of all records and the provision of qualified personnel to interpret records if requested.”
(*Ibid.*)

ANALYSIS

As noted above, in his Decision the ALJ denied Claimant’s appeal as to the second issue concerning Claimant’s case file, concluding:

7. As to Claimant’s file, the evidence proves that WRC [Service Agency] has not denied Mother access to it. To the contrary, WRC gave Mother several options to obtain Claimant’s file, but none was acceptable to Mother. WRC offered to put the file on a jump drive if Mother sent one to WRC; she declined. WRC also offered to make a physical copy of the case file for either certified delivery or pick up by an authorized person; Mother refused. WRC also sent Mother a Sharepoint link to access Claimant’s file, which Mother stated in an email she downloaded (see exhibit 9, p. A30), but which she testified at the hearing she was only partially able to review before the link “timed out.” Mother’s difficulty reviewing the documents provided using the Sharepoint link is not proof that WRC denied access to Claimant’s file.

8. All these options were reasonable proposals to accommodate Mother’s demand for Claimant’s case file.

Mother's dissatisfaction with the proposals and difficulties with the Sharepoint link do not prove WRC has refused to make the file available, and do not justify ordering its production in a different, specific manner by email or by a file-transfer protocol of Mother's own choosing. The Lanterman Act's requirement of access to records upon request does not require WRC to produce Claimant's file in the particular way Mother wants it produced. Furthermore, Mother's contention that the documents WRC delivered through Sharepoint were not the complete file for Claimant is questionable, since Mother testified she was only able to review some of the documents.

(Decision, pp. 10-11.)

Statements of Service Agency's Hearing Representative

Claimant's Mother argues that, over her frequent objection, the ALJ allowed Service Agency's hearing representative to testify without being sworn and, in the Decision, relied on those statements as if they were sworn testimony.

It is clear from the Decision that Service Agency's hearing representative was not sworn, as the "Evidence Relied Upon" section of the Decision (p. 2) unequivocally states "no witnesses testified for WRC."

However, it is equally clear the ALJ did not treat Service Agency hearing representative's statements during the hearing as testimony, sworn or otherwise. The few Factual Findings in the Decision relating to Service Agency's hearing representative do not state the findings were based on his statements during the

hearing, but rather cite specific Exhibits in the record, e-mails to and from him, which were admitted as evidence. (See, e.g., Factual Findings 6, 8, 10, which refer to Exhibits B, 8 & 9.)

Thus, Claimant's contention the ALJ treated Service Agency hearing representative's statements at hearing as if they were sworn testimony, and that the ALJ relied on such unsworn testimony, is not established.

Claimant's Appeal Filing

Claimant's Mother contends Service Agency only provided to OAH, and the ALJ, the appeal tracking detail report filed with DDS, but purposefully removed the 20-page statement attached to it. She argues the ALJ could not have made a correct decision without access to her full appeal filing.

However, the ALJ marked and admitted the entire copy of Claimant's appeal filing, including the 20-page statement, as Claimant's Exhibit A. In addition, the ALJ marked and admitted as Exhibit B Claimant's Position Statement, which contains a lengthy explanation of the appeal issue related to Claimant's case file. It is clear from the "Evidence Relied Upon" section of the Decision (p. 2) that the ALJ relied upon both Exhibits A and B in making the Decision.

Thus, Claimant's contention in this regard is not established.

How the Issue of Access to Claimant's Case File was Stated

The portion of Claimant's 20-page appeal filing concerning Claimant's case file begins with the sub caption (p. 4), "Westside Regional Center illegally refuses to allow [Claimant] to have a copy of her case file record."

In the "Required Legal Outcome" portion of Claimant's appeal filing (p. 6) is the following relief requested for the issue pertaining to Claimant's case file:

Westside Regional Center's director JANE BOROCHOFF must be ordered to provide [Claimant] a complete and unredacted copy of her entire case file (per law "an accurate copy") from case inception in [2004] to present day. It must include everything including handwritten notes, all IPPS, emails and anything and all that is present in her file now. It must be produced forthwith, immediately, with no further excuses. Deadline to do so within 3 business days of issuance of the order.

As discussed above, the ALJ's statement of this issue was, "Should Service Agency be ordered to produce Claimant's case file in the specific manner Mother demands?"

Claimant's Mother contends the ALJ's statement of this issue was erroneous because her appeal filing did not discuss a specific manner demanded by her; rather her appeal filing tracked the statutory provisions cited above regarding access to a consumer's case file. Claimant's Mother surmises the ALJ so stated the issue because he did not have the entire appeal filing. As discussed above, that surmise is incorrect because the ALJ had admitted into evidence and relied upon the entire appeal filing.

As a threshold matter, Claimant cites no provision of the Lanterman Act requiring a hearing officer to recite or summarize an issue to be decided in a fair hearing exactly as stated by a claimant in his or her appeal.

In any event, the ALJ correctly stated the issue as it pertained to Claimant's case file. His description of the issue was a more accurate and better statement of the dispute than what Claimant's Mother had written in the appeal filing.

For example, Factual Findings 6 through 10 clearly show that upon requesting access to, and an accurate copy of, Claimant's entire case file, a dispute quickly arose with Service Agency over how that would be done, and what was acceptable to Claimant's Mother. In his above-cited Legal Conclusions 7 and 8, the ALJ explained in detail how the various proposals made by Service Agency to provide an accurate copy of Claimant's entire case file were rejected by Claimant's Mother.

Finally, in Factual Finding 13 of the Decision (p. 8), the ALJ quoted the exact request of Claimant's Mother at hearing as follows:

[Claimant's] Mother requests an order directing WRC to give Claimant "her entire, accurate, unredacted, untampered with record . . . given in chronological order in the form of 3-4 consecutive readable PDF scans that will be sent to authorized rep either through email or transferxl.com – per our repeated written request.

Thus, it is abundantly clear that the crux of this dispute was whether Service Agency was required to provide a copy of Claimant's case file exactly as Claimant's Mother had been demanding it.

Thus, Claimant's contention the ALJ erroneously stated the issue pertaining to Claimant's case file is not established.

Alleged Errors in Factual Findings and Legal Conclusions

Claimant's Mother argues the ALJ disregarded the above cited provisions of the Lanterman Act pertaining to a consumer's access to his or her case file, which she had cited in her appeal filing. As mentioned above, the ALJ recited all of those provisions in the Decision, except for the definition of "access" contained in section 4725, subdivision (a). Claimant's Mother emphasizes that "access" is defined as including an "accurate copy" of Claimant's case file.

However, the omission of section 4725 from the Decision did not have a bearing on the ALJ's reasoning in the analysis of these statutes. As discussed above, the crux of the dispute underlying this issue was not Claimant's access to an accurate copy of Claimant's case file, but rather the mode in which Claimant's entire case file would be given to Claimant's Mother.

Claimant's Mother next argues the ALJ included in Legal Conclusions 1 and 2 irrelevant statutes not cited by her. However, the statutes in question relate to the ALJ's discussion that the two issues in this case were better addressed as a complaint to DDS under section 4731. Notwithstanding that observation, the ALJ decided the two issues on their merits. Thus, the ALJ's citation to the other statutes had no impact on his ultimate resolution of the issue pertaining to Claimant's case file.

Claimant's Mother next argues the ALJ improperly interpreted sections 4724 and 4728, contending the Legal Conclusions require her to physically inspect Claimant's case file at Service Agency's office. However, the ALJ did not so conclude. As is clear from Legal Conclusions 7 and 8 cited above, the ALJ described various ways Service Agency offered to transmit Claimant's case file to Claimant's Mother, none of which included her physical inspection of the files.

Claimant's Mother argues Legal Conclusion 7 is factually unsupported, in part, because it relied upon Service Agency hearing representative's unsworn testimony, and in part, because Service Agency never provided Claimant's case file at any time. This argument is not persuasive because, as discussed above, the ALJ did not rely on unsworn testimony, but instead the e-mail correspondence between the parties referenced in Legal Conclusion 7. As for the rest of her argument, Claimant's Mother did not point out a factual mistake, but rather asks for another hearing officer to reweigh the record and come to a different conclusion than the one made by the ALJ. Such a request is not supported by section 4713.

Claimant's Mother next contends Factual Finding 2 and Legal Conclusion 3 contain irrelevant information. However, Factual Finding 2 is appropriate background information, and Legal Conclusion 3 contains a fair overview of the Lanterman Act. In any event, it is not clear how either provision contains an error of fact or law for purposes of section 4713.

Claimant's Mother next reiterates her prior argument the ALJ allowed Service Agency's hearing representative to testify without being sworn. As discussed above, that argument is not supported.

Finally, Claimant's Mother contends the ALJ improperly admitted irrelevant evidence, namely Exhibits 5, 11, 13, and 14, over her objections stated on the record during the hearing. She does not describe how the admission of that evidence led to a mistake of fact or law.

From the description of those Exhibits provided by Claimant's Mother in the application, the undersigned can discern the relevance of them as, at least, background information. In any event, it is not clear that the mistakes of fact or law

contemplated by section 4713 were meant to cover evidentiary rulings made during the hearing; a determination concerning the correctness of the ALJ's rulings in that regard cannot be made by reviewing the Decision. Such a complaint only could be decided after reviewing the entire record, which is not contemplated by section 4713.

For all of the reasons discussed above, the application must be denied.

ORDER

Claimant's application for reconsideration of the Decision is denied.

DATE: 09/02/2025

ERIC SAWYER

Administrative Law Judge

Office of Administrative Hearings