

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

In the Matter of:

CLAIMANT

and

EAST LOS ANGELES COUNTY REGIONAL CENTER,

Service Agency.

DDS No. CS0032438

OAH No. 2025120524

DECISION

Chris Ruiz, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter at the East Los Angeles Regional Center (service agency or RC) on January 23, 2026.

Victor Mercado (Mercado), Appeals Specialist, represented the service agency.

Claimant's mother and conservator (mother) represented claimant. The names of claimant and his family members are omitted to protect their privacy and to maintain the confidentiality of this proceeding.

The matter was submitted for decision at the conclusion of the hearing on January 23, 2026.

ISSUES TO BE DECIDED

Should the service agency be ordered to implement and fund the parties' prior settlement agreement, which was entered into between the parties on September 4, 2025?

EVIDENCE RELIED ON

In making this Decision, the ALJ relied on service agency's exhibits 1 through 11, claimant's exhibit A, and the representations made by Mercado and mother.

FACTUAL FINDINGS

Jurisdictional Matters

1. The service agency determines eligibility and provides funding for services and supports for people with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Lanterman Act), among other entitlement programs. (Welf. & Inst. Code, § 4500 et seq.) All statutory citations are to the Welfare and Institutions Code (Code) unless otherwise noted.

2. On December 3, 2025, service agency sent claimant a Notice of Action (NOA) letter (Exhibit 2), which denied funding, as follows: "Service agency is denying the funding of [two] adaptive skills training (AST) programs, Roman Empire and

Dynamic Solutions.” The service agency further contended, “it was agreed that [service agency] would fund AST services with Dynamic Solutions as an AST provider and Augmentative and Alternative Communication (AAC) services. The NOA stated, “It was understood that only one AST would be funded. Parent is now requesting that both services stay in place and be part of the initial Self Determination budget.” The NOA concluded by stating, “Funding of two [AST] providers is considered a duplication of services and is not a cost effective use of public funds.”

3. Claimant does not currently have a Self Determination Budget in place.

4. On December 4, 2025, claimant appealed the service agency’s NOA letter.

Claimant’s Background and History with Service Agency

5. At hearing, claimant contended the service agency has failed to implement the most recent Notice of Resolution (NOR) agreed to by the parties, which is dated September 4, 2025 (Exhibit 8.)

6. The September 4, 2025 agreement stated that the service agency would fund services with Dynamic Therapy Solutions (DTS), and that the service agency would refer claimant to DTS for an evaluation to address utilizing alternative communication techniques while using an AAC device in order to access his community. Claimant’s Individualized Program Plan (IPP) was to be updated to address the goal of assisting claimant with utilizing his AAC device out in the community. The service agency agreed to reauthorize a purchase of service for in-home respite in lieu of out-of-home respite and to secure payment from vendor to authorized staff of claimant.

7. Mercado acknowledged that the service agency has not made a referral for claimant to DTS, despite having previously agreed to do so. Mercado stated that a variety of factors have caused a delay. First, DTS is not an authorized vendor for the Service Agency. Second, the Service agency had a high level of personnel turnover.

8. Claimant requested that the ALJ issue an order compelling the Service Agency to implement the September 4, 2025 agreement between the parties.

9. Mercado did not object to claimant's request that the ALJ issue an order to implement the parties' prior agreement. Additionally, since the service agency agreed to utilize DTS as a provider, Mercado acknowledged that the service agency cannot thereafter contend that DTS is not an approved vendor as a basis to deny funding.

LEGAL CONCLUSIONS

Jurisdiction and Burden of Proof

1. An administrative hearing to determine the rights and obligations of the parties is available under the Lanterman Act. A consumer may appeal a contrary regional center decision under Code sections 4700 through 4717. In this matter, the service agency denied funding for a service that it previously agreed to fund.

2. The standard of proof in this case is the preponderance of the evidence because no law or statute, including the Lanterman Act, requires otherwise. (Evid. Code, § 115.) This standard is met when the party bearing the burden of proof presents 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.)

3. The party asserting a claim or proposing to make changes to the status quo generally has the burden of proof in administrative proceedings. (See, e.g., *Hughes v. Bd. of Architectural Examiners* (1998) 17 Cal.4th 763, 789, fn. 9.) In this case, the service agency is denying funding for a service it previously agreed to fund. Therefore, service agency has the burden of proof in this matter.

Analysis

4. In this matter, the facts are not in dispute. The September 4, 2025 agreement between the parties has not been implemented by the service agency. Therefore, the following order is appropriate.

ORDER

1. Claimant's appeal is granted.

2. The service agency is ordered to immediately referral claimant for an evaluation by Dynamic Therapy Solutions to address utilizing alternative communication techniques while using an Augmentative and Alternative Communication (AAC) device in order to access his community. Claimant's Individualized Program Plan shall be updated by addendum to address the goal of assisting claimant with utilizing his AAC device in the community. The service agency shall reauthorize approved purchase of service with a vendor for in home respite in lieu of out of home respite. The service agency shall assist claimant's family with securing payment from the vendor to the authorized staff of claimant.

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3. All other currently funded services for claimant shall remain in place until at least 60 days have passed after the above order is complied with by Service Agency.

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 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.