

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

In the Matter of:

CLAIMANT

and

WESTSIDE REGIONAL CENTER,

Service Agency.

DDS No. CS0029032

OAH No. 2025120645

DECISION

Maria Palomares, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on February 13, 2026.

Claimant was represented by his mother (Mother), who is his authorized representative. The names of Claimant and his family members are omitted to protect their privacy.

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Sonia Tostado, Appeals and Resolutions Specialist, represented Westside Regional Center (Service Agency).

Oral and documentary evidence was received. The record closed, and the matter was submitted for decision at the conclusion of the hearing day.

ISSUE

Does Claimant's autism spectrum disorder substantially disable him such that he qualifies for regional center services under the Lanterman Developmental Disabilities Services Act?

EVIDENCE RELIED UPON

Documents: Service Agency's Exhibits 2-15, 18, 19.

Testimony: Karesha Gayles, Psy.D.; Claimant's Mother; Claimant.

FACTUAL FINDINGS

Parties

1. Regional centers, such as Service Agency, determine eligibility and fund services and supports for individuals with developmental disabilities pursuant to the standards and requirements set out in the Lanterman Developmental Disabilities Services Act (Lanterman Act or Act). (Welf. & Inst. Code, § 4500 et seq.)

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2. Claimant is 26 years old and lives with his parents and three siblings. In August 2024, Claimant was diagnosed with autism spectrum disorder, major depressive disorder, and generalized anxiety disorder. (Exh. 5, p. A33; Exh. 8, p. A48.)

3. Service Agency does not dispute Claimant's autism spectrum disorder diagnosis, a qualifying condition for regional center services under the Lanterman Act. They also agree that Claimant has substantial disabilities in two life activities, self-direction and independent living. The only disputed issue is whether Claimant's autism spectrum disorder causes substantial disability in three or more areas of major life activity, which the Lanterman Act also requires for establishing eligibility. (See Welfare and Institutions Code section 4512, subdivision (l)(1), and California Code of Regulations, title 17 (Regulation), section 54001, subdivision (a)(2).)

Jurisdiction

4. In June 2025, Mother requested that Service Agency evaluate Claimant for eligibility for services under the Lanterman Act, based on his autism spectrum disorder diagnosis. (Welf. & Inst. Code, § 4512, subds. (a)(1), (l)(1).)

5. On June 19, 2025, Service Agency denied the request, stating there was "[n]o severe handicap in three or more areas," to qualify for services. (Exh. 4, pp. A20, A22-A23; Exh. 7, p. A40.)

6. Claimant timely requested a hearing.

Service Agency's Assessment and Determination

7. On April 24, 2025, Service Agency arranged for a psychological assessment to determine Claimant's eligibility for regional center services. Kristen Prater, Psy.D., a psychological associate supervised by Rebecca Dubner, Psy.D.,

conducted the assessment. Dr. Prater administered the Adaptive Behavior Assessment System–Third Edition (ABAS-3), the Childhood Autism Rating Scale–Second Edition, High-Functioning (CARS-2-HF), and interviewed Claimant. The assessment did not include standardized tests of expressive or receptive language, comprehensive cognitive measures, or direct observation of functional tasks. (Exh. 6, pp. A34–A39.)

8. The psychological report states this was a brief eligibility evaluation, not a full diagnostic assessment. It was based on a single session. Dr. Prater reported that Claimant’s General Adaptive Composite score on the ABAS-3 reflected below-average ratings in conceptual, social, and practical domains. These scores indicate challenges in self-direction and practical skills, including his ability to engage in leisure and to navigate the community. Dr. Prater recommended continued monitoring but concluded Claimant otherwise managed his autism spectrum disorder symptoms well. (Exh. 6, pp. A37–A38.)

9. Service Agency reviewed Dr. Prater’s report along with other available records as part of its multidisciplinary eligibility process. Dr. Karesha Gayles, a staff psychologist, testified at hearing and said that eligibility under the Lanterman Act requires both a qualifying diagnosis and significant functional limitations in at least three of seven major life activity areas. She explained that these determinations are made by an eligibility team composed of multiple psychologists and a medical doctor, who collectively review psychological evaluations and supporting documentation. (Exh. 7, p. A40.)

10. Dr. Gayles stated that she did not conduct Claimant’s assessment but participated in the team’s review. After discussion, the team concluded Claimant met criteria to establish he is substantially disabled in two areas, self-direction and independent living, but not a third or more areas, as required for regional center

eligibility. According to Dr. Gayles, this determination was based on the multidisciplinary assessment and supporting records, which indicated Claimant could only manage some daily tasks with support but did not indicate Claimant demonstrated substantial limitations in other areas, such as language or learning.

Claimant's Evidence of Substantial Disability

11. Claimant has been under the care of Dr. Joseph Wurbel, D.O., since August 2022. Dr. Wurbel, who is licensed to practice medicine and trained in a holistic approach to patient care, met with Claimant approximately once a month for 30-minute sessions. During these visits, Dr. Wurbel diagnosed Claimant with autism spectrum disorder and documented significant impairments in five life activities, communication, learning, self-direction, capacity for independent living, and economic self-sufficiency. (Exh. 9, p. A59; Exh. 10, p. A61.)

12. In a January 15, 2026 letter, Dr. Wurbel explained that Claimant's medication regimen addresses symptoms associated with autism spectrum disorder but does not resolve core deficits in social-emotional communication, interpersonal relationships, or limitations arising from Claimant's pervasive restrictive and repetitive behaviors. He noted that Claimant has hyperacusis (heightened sensitivity to sound) and becomes overstimulated in many environments. For example, driving overwhelms him, so his parents must drive him or arrange transportation for him. (Exh. 9, p. A59.)

13. Medical records document that, throughout three years of treatment with Dr. Wurbel, Claimant has consistently been unable to maintain eye contact. When social situations require eye contact, his symptoms worsen, resulting in stuttering, vocal and motor tics, social withdrawal, and self-soothing behaviors. (Exh. 9, p. A59.)

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14. Between August 5 and October 11, 2024, Claimant underwent a comprehensive neurocognitive evaluation conducted by Andrew Wong, Ph.D., at Lifespan: A Center for Family Psychological Services. The evaluation occurred over multiple sessions and included a broad battery of standardized tests: the Wechsler Adult Intelligence Scale–Fourth Edition (WAIS-IV), Conners’ Continuous Performance Test–Third Edition (CPT-3), Continuous Auditory Test of Attention (CATA), Test of Everyday Attention (TEA), Conners’ Adult ADHD Rating Scales, Delis–Kaplan Executive Function System (D-KEFS), Wisconsin Card Sorting Test, California Verbal Learning Test, Rey Complex Figure Test, Social Responsiveness Scale–Second Edition (SRS-2), and the Monteiro Interview Guidelines for Diagnosing Autism Spectrum (MIGDAS). (Exh. 8, pp. A41–A43.)

15. Dr. Andrew Wong also diagnosed Claimant with autism spectrum disorder and documented functional limitations in expressive and receptive language, learning, and executive functioning. He observed Claimant experiencing persistent challenges initiating conversations, interpreting social cues, and engaging in reciprocal exchanges, as well as difficulty with task initiation, selective attention, and multitasking. Dr. Wong assessed that these deficits, combined with sensory sensitivities and anxiety, hinder Claimant’s ability to acquire and apply new skills without substantial support and interfere with his capacity for economic self-sufficiency. (Exh. 8, pp. A44–A48, A52, A55.)

16. Mother testified at hearing and described her own impressions of Claimant, which were consistent with Dr. Wong’s and Dr. Wurbel’s observations. She stated Claimant cannot complete sentences without assistance, relies on family to write his emails or letters as he provides ideas or dictates, and experiences frequent stuttering and verbal tics. Mother also testified that Claimant cannot manage multi-

step tasks, maintain schedules, or navigate the community independently. Despite his high level of intelligence, Claimant has dropped out of multiple college programs and failed in repeated employment attempts, including a smoothie counter job and a farmer's market position. Even at these entry-level jobs, Claimant experienced stress and was unable to meet the jobs' basic demands.

17. Mother emphasized that Claimant is entirely dependent on his parents for housing, food, transportation, and financial support. She also noted that Dr. Prater's psychological assessment was based on a single brief session in a controlled environment and did not reflect Claimant's real-world functioning, whereas evaluations by Dr. Wong and Dr. Wurbel were based on multiple sessions and observations over an extended period.

18. Claimant testified at hearing and said that his anxiety and communication difficulties prevent him from leaving the house or attending scheduled activities. Consistent with Mother's testimony, Claimant described his repeated failures in college because he could not maintain schedules, attend classes, or complete assignments. When employed, Claimant could not meet job demands. Claimant explained that at his smoothie counter job, he struggled with shaking hands, slow task completion, and obsessive focus on details. He also described leaving a farmer's market position after one day because he experienced overwhelming stress. Claimant stated that any progress he has made, such as attempting college studies or employment, would not have been possible without the extensive support his parents provided, including helping him with scheduling and transportation, and providing financial resources. He recognizes that without his parents, he is unable to endeavor to live independently or secure employment.

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19. During his testimony at the hearing, Claimant did not make eye contact, stuttered extensively, and struggled to complete his sentences. There were noticeable delays in completing a sentence or expressing an idea, which is consistent with his reported expressive language difficulties.

20. The reports of Drs. Wurbel and Wong, together with the testimony of Mother and Claimant, were credible and consistent in establishing that Claimant experiences significant functional limitations in several major life activities beyond those Service Agency acknowledged. The evidence demonstrated marked limitations in receptive and expressive language, including difficulty initiating and sustaining conversations, interpreting social cues, and completing sentences without assistance, as well as reliance on family members to prepare written communications. The record also showed substantial limitations in learning due to deficits in executive functioning, such as difficulty initiating tasks, maintaining attention, and completing multi-step assignments, which contributed to repeated failures in educational settings. In addition, Claimant is unable to achieve economic self-sufficiency, as he depends entirely on his parents for housing, transportation, and financial support and has been unable to meet the basic demands of entry-level employment despite accommodations and support.

21. The evidence also showed that Claimant's limitations in receptive and expressive language, learning, and economic self-sufficiency do not occur in isolation but affect one another across settings. Difficulties with communication increase his challenges in learning and performing work tasks, and his learning and executive-functioning deficits further contribute to his inability to sustain employment. These combined effects illustrate the extent to which Claimant's functional limitations interfere with daily functioning in multiple areas.

LEGAL CONCLUSIONS

General Provisions

1. The Lanterman Act provides for an administrative hearing to determine the parties' rights and obligations when a service agency decision is appealed. (Welf. & Inst. Code, §§ 4700-4716.) Mother requested a hearing on Claimant's behalf to contest the Service Agency's determination that Claimant was not eligible for regional center services. This request established jurisdiction for the appeal.

2. Generally, when an applicant seeks to establish eligibility for government benefits or services, the burden of proof is on the applicant to prove eligibility and the standard of proof is preponderance of the evidence. (Evid. Code, §§ 115, 500.) "Preponderance of the evidence means evidence that has more convincing force than that opposed to it. [Citations] . . . [T]he sole focus of the legal definition of 'preponderance' in the phrase 'preponderance of the evidence' is on the quality of the evidence. The quantity of the evidence presented by each side is irrelevant." (*Glage v. Hawes Firearms Co.* (1990) 226 Cal.App.3d 314, 324-325.)

Regional Center Eligibility

3. To be eligible for regional center services, a claimant must have a qualifying developmental disability. Welfare and Institutions Code section 4512, subdivision (a), defines "developmental disability" as:

[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. . . . [T]his term shall include intellectual disability,

cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature.

4. To demonstrate a qualifying developmental disability within the meaning of Welfare and Institutions Code section 4512, claimants must show that they have a "substantial disability." Under Welfare and Institutions Code section 4512, subdivision (a)(1), a substantial disability means functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency.

5. Regulation section 54001, further defines "substantial disability." It provides in part that a substantial disability means: "A condition which results in major impairment of cognitive and/or social functioning, representing sufficient impairment to require interdisciplinary planning and coordination of special or generic services to assist the individual in achieving maximum potential."

Analysis

6. A preponderance of the evidence establishes that Claimant is substantially disabled in at least three areas of major life activity under Welfare and Institutions Code section 4512, subdivision (a)(1). Service Agency acknowledged substantial disability in just two areas, self-direction and capacity for independent living. That determination is less persuasive than the evidence offered by Mother and

Claimant, supported by the more comprehensive evaluations conducted by Dr. Wong and Dr. Wurbel. Their assessments provide a clearer and more complete understanding of Claimant's functional limitations across settings. Specifically, Service Agency's eligibility conclusion was based primarily on a brief, single-session assessment that did not include standardized language testing, cognitive measures, or observations across different settings. In contrast, Dr. Wong's assessment was a multi-session evaluation, and Dr. Wurbel's long-term clinical perspective provided a more complete and reliable basis for determining Claimant's functional limitations.

7. The evidence presented by Claimant demonstrates substantial disability in receptive and expressive language. As reflected in the Findings, Claimant has persistent and significant difficulty initiating and sustaining communication, interpreting social cues, and expressing himself clearly. These limitations were consistently documented by Dr. Wong, described by Mother, and directly observable during Claimant's testimony. Taken together, this evidence demonstrates that Claimant's communication impairments rise to the level of a substantial disability.

8. The evidence also establishes substantial disability in Claimant's learning ability. Dr. Wong identified pronounced executive-functioning deficits that impede Claimant's ability to organize, retain, and apply new information. Mother and Claimant described repeated failures in academic settings despite support. These consistent functional limitations satisfy the statutory requirement for substantial disability in learning.

9. Claimant is additionally limited in the area of economic self-sufficiency. He remains fully dependent on his parents for housing, transportation, and financial support. He was unable to meet basic expectations in entry-level jobs, including a smoothie counter position and a farmer's market job, which he left after one day due

to stress and difficulty performing required tasks. The more persuasive evidence demonstrates that Claimant cannot obtain or retain meaningful employment, thereby establishing substantial disability in economic self-sufficiency.

10. Regulations, title 17, section 54001 provides an additional description of “substantial disability,” but neither party relied on that regulation, and eligibility is properly determined under Welfare and Institutions Code section 4512, subdivision (a)(1). Given the extent of Claimant’s functional limitations in several major life activities, the level of impairment contemplated by Regulation, section 54001 is inherent in the record and does not require separate analysis.

11. As Claimant has a qualifying diagnosis of autism spectrum disorder and demonstrates substantial disability in at least three major life activities—receptive and expressive language, learning, and economic self-sufficiency—he meets the statutory requirements for regional center eligibility.

ORDER

Claimant’s appeal of Service Agency’s determination that he is not eligible for regional center services is granted. Service Agency will accept Claimant as a consumer and begin providing him with services forthwith.

DATE:

MARIA PALOMARES
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.