

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT,

v.

FRANK D. LANTERMAN
REGIONAL CENTER,

Service Agency.

OAH Case No. 2013050232

DECISION

Daniel Juárez, Administrative Law Judge, Office of Administrative Hearings, heard this matter on June 11, 2013, in Los Angeles, California.

Claimant was not present.¹ No one representing Claimant was present.

Marc Baca, Appeals Coordinator, represented the Frank D. Lanterman Regional Center (Service Agency).

The hearing concluded on June 11, 2013, but on June 19, 2013, the Service Agency's representative, Mr. Baca, filed documents related to this matter, discussed in detail in Factual Finding 9, *post*. The ALJ reopened the record and marked and admitted the documents filed by Mr. Baca as Exhibit 12.

The matter was deemed submitted for decision on June 19, 2013.

STATEMENT OF THE CASE

¹ Party designation and family titles are used to identify Claimant and her representatives to preserve Claimant's privacy.

Claimant appeals the Service Agency's proposal to transfer her case to another regional center. The Service Agency proposes to transfer Claimant's case because she resides in the geographic catchment area of another regional center.

FACTUAL FINDINGS

1. Claimant and Claimant's representatives were properly noticed of the instant hearing, but they failed to appear on the date of hearing. Claimant defaulted. The Service Agency presented its evidence at hearing, and requested an order allowing it to continue its transfer of Claimant's case.

2. According to the Service Agency's records, Claimant's mother and sister are Claimant's co-conservators; however, there was no evidence that a court has established a probate conservatorship over Claimant. Nevertheless, as the Service Agency's records describe Claimant's mother and sister as Claimant's co-conservators, the ALJ issues this Decision predicated on the Service Agency's descriptions being accurate. If no conservatorship exists, Claimant's request for hearing, filed by Claimant's sister, would be deemed invalid. As Claimant's appeal is denied, *post*, the order that would issue in either circumstance leads to the same result: the Service Agency may transfer Claimant's case to the regional center that serves Claimant's residential area.

3. Claimant is a 49-year-old woman with intellectual disability, impulse control disorder, stereotypic movement disorder with self-injury, and obsessive-compulsive disorder, among other things. She is unsteady when walking and standing. She requires supervision and assistance for safety. She does not use verbal speech to communicate her wants and needs, but she can use body language, facial expressions, and gestures. She can nod "yes" and appears to understand some basic American Sign Language.

4. Claimant has lived at the Lanterman Developmental Center (LDC) most of her life. On July 11, 2012, Claimant moved from LDC to a group home in Moreno Valley, California. According to the Service Agency, Claimant's mother and sister advocated for Claimant to leave LDC and live in a community setting, and specifically in Moreno Valley. The evidence established that her residence in Moreno Valley is appropriate to her residential needs. The evidence further established that Claimant's daily living needs, medical, physical, and mental health needs are all being cared for appropriately.

5. Claimant's group home is located outside of the Service Agency's catchment area. The group home is located in the Inland Regional Center's (IRC) catchment area.

6. Claimant's group home is approximately 73 miles from the Service Agency. Claimant's sister resides in Corona, California. Claimant's mother resides in Hemet, California. Neither Corona nor Hemet are cities within the Service Agency's catchment area.

7. After Claimant moved out of LDC to her group home, the Service Agency began the process of transferring Claimant's case to IRC, but Claimant's mother and sister requested that the Service Agency continue to serve Claimant.

8. The Service Agency denied Claimant's family's request in a letter dated April 23, 2013, citing Welfare and Institutions Code sections 4620, subdivision (a), and 4640, subdivision (a). On April 30, 2013, Claimant's sister filed a request for hearing appealing the Service Agency's denial.

9. On June 19, 2013, Mr. Baca filed documents with the Office of Administrative Hearings (OAH), including a cover letter, dated June 18, 2013, a letter from IRC dated April 10, 2013, a Notification of Resolution (NOR) in the instant matter with Claimant's mother and sister's signature dated June 5, 2013, and a letter from OAH, dated May 8, 2013. The NOR presumes to inform OAH that the parties resolved this matter before the hearing date and that the instant hearing is/was no longer necessary. However, the contents of the NOR is ambiguous on the issue of resolution, and is unsigned by the Service Agency. After due consideration, the ALJ issues this Decision.

LEGAL CONCLUSIONS

1. Welfare and Institutions Code section 4620, subdivision (a), states in part, "In order for the state to carry out many of its responsibilities . . . the state shall contract with appropriate agencies to provide fixed points of contact in the community for persons with developmental disabilities and their families, to the end that these persons may have access to the services and supports best suited to them throughout their lifetime."

2. Welfare and Institutions Code section 4640, subdivision (a), states in part, "Contracts between the [D]epartment [of Developmental Services] and regional centers shall specify the service area and the categories of persons that regional centers shall be expected to serve and the services and supports to be provided."

3. The Legislature expects each regional center to have a specified service area. (Welf. & Inst. Code, § 4640, subd. (a).) It is reasonable and appropriate for each regional center to have a designated geographic service area and for each regional center's staff to develop a specialized knowledge of the supports and services available within the specific catchment area. (Welf. & Inst. Code, § 4620, subd. (a).) Furthermore, it is reasonable and cost-effective (promoting a numerically defined case load for each regional center) to have each regional center responsible solely for clients who reside within a regional center's defined catchment area.

4. The proposed transfer is appropriate. The Service Agency and IRC should work together to ensure an uneventful transfer.

5. Cause exists to deny Claimant's appeal, as set forth in Factual Findings 1-9, and Legal Conclusions 1-4.

ORDER

Claimant's appeal in case number 2013050232 is denied.

Dated: June 24, 2013



DANIEL JUAREZ
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative Decision. This Decision binds both parties. Either party may appeal this Decision to a court of competent jurisdiction within 90 days.