

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT

vs.

SAN ANDREAS REGIONAL CENTER

Service Agency.

OAH No. 2013080116

DECISION

Mary-Margaret Anderson, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on February 27, 2014, in Campbell, California.

James Elliott, Fair Hearing Designee, represented San Andreas Regional Center (SARC).

There was no appearance by, or on behalf of, Claimant.

The record closed on February 27, 2014.

FACTUAL FINDINGS

1. Claimant's mother is his authorized representative. She executed a request for a fair hearing on behalf of Claimant, which she filed with SARC on approximately July 22, 2013.

2. The fair hearing request challenges a determination by SARC that Claimant is not eligible for regional center services because he does not have a qualifying condition under the Lanterman Developmental Disabilities Services Act (Welf. & Inst. Code, § 4500 et seq.).

3. On August 9, 2013, Claimant waived his right to have a fair hearing within 50 days of the date SARC received his fair hearing request, and his right to have a final

administrative decision rendered within 80 days of his fair hearing request, or within 90 days if applicable.

4. The hearing on Claimant's appeal was initially scheduled for August 26, 2013, and a notice of hearing was sent to the address listed on the fair hearing request for Claimant and his mother. The hearing date was subsequently continued at the request of SARC, Claimant, or both parties, a total of six times.

5. On a noticed hearing date of December 18, 2013, neither Claimant's mother nor anyone else appeared. At Claimant's mother's subsequent request, the hearing was re-set on February 27, 2014, and was re-noticed for that date.

6. On February 27, 2014, neither Claimant's mother nor anyone else appeared; therefore, no evidence in support of the appeal was presented or considered.

LEGAL CONCLUSIONS

Claimant has the burden of proving that he is eligible for regional center services. The failure to appear and to present evidence in support of the appeal is deemed to be a withdrawal of the request for a fair hearing, and provides cause to dismiss the appeal.

ORDER

The appeal of Claimant is dismissed.

DATED: February 27, 2014

_____/_____
MARY-MARGARET ANDERSON
Administrative Law Judge
Office of Administrative Hearings