

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT

and

INLAND REGIONAL CENTER,

Service Agency.

OAH No. 2013120014

DEFAULT DECISION

This matter was scheduled for hearing before Administrative Law Judge Roy W. Hewitt, Office of Administrative Hearings, at the Inland Regional Center, in San Bernardino, California at 1:00 p.m. on December 31, 2013.

The Inland Regional Center (agency) was represented by Leigh-Ann Pierce, Consumer Services Representative, Fair Hearings and Legal Affairs.

No one appeared on claimant's behalf.

Claimant and his representative (representative) received actual notice of the date, time and place of hearing and telephone calls were made to the telephone numbers of record at approximately 1:05 p.m., the afternoon of the hearing. Claimant's and representative's roommate answered one of the calls and indicated that claimant and representative were at the store. The roommate was advised that a default would be taken in the action if claimant and/or representative failed to appear for the hearing. A voice mail message concerning the hearing was left for representative at the other number.

The burden rests on claimant to establish that he suffers from a qualifying, "substantial," "Developmental Disability" and, in this case, by failing to appear, claimant failed to establish his eligibility by a preponderance of the evidence. (See Evid. Code, § 115.)

Additionally, the burden is on claimant to diligently prosecute his appeal/fair hearing request. Claimant and his representative were properly notified of the date, time and place of hearing and failed to appear for the hearing. Consequently, claimant is deemed to have abandoned his appeal/fair hearing request.

ORDERS

1. Claimant's appeal/fair hearing request is dismissed.
2. The agency's determination that claimant is not eligible for services is upheld.

DATED: January 8, 2014.

ROY W. HEWITT
Administrative Law Judge
Office of Administrative Hearings

Note: This is a final administrative decision pursuant to Welfare and Institutions Code section 4712.5(b)(2). Both parties are bound hereby. Either party may appeal this decision to a court of competent jurisdiction within 90 days.