

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT,

vs.

NORTH BAY REGIONAL CENTER,

Service Agency.

OAH No. 2015061082

DECISION

Administrative Law Judge Regina Brown, State of California, Office of Administrative Hearings, heard this matter on August 5, 2015, in Napa, California.

Claimant did not appear.

G. Jack Bengge, Attorney, represented service agency North Bay Regional Center.

PROCEDURAL BACKGROUND

1. On May 21, 2015, North Bay Regional Center (NBRC) issued a Notice of Proposed Action (NOPA) to Claimant, who is over the age of 18. NBRC proposed to close Claimant's case because he was not eligible for regional center services because he was not substantially disabled by cerebral palsy, epilepsy, autism, an intellectual disability, or a condition closely related to an intellectual disability, or requiring treatment similar to that required by persons with an intellectual disability.

2. On June 23, 2015, Claimant's mother filed a fair hearing request on Claimant's behalf.

3. On July 27, 2015, OAH sent Claimant's mother a letter advising her that since Claimant was over 18 years old, she was not authorized to institute an action on his behalf unless she established her status as an authorized representative pursuant to Welfare and Institutions Code section 4710.6. She was informed that she could become his authorized

representative by establishing a conservatorship, obtaining her son's written authorization to act on his behalf or obtain appointment through the Area Board. (See Welf. & Inst. Code, §§sections 4705, subd. (e) & 4701.6.) Furthermore, she was informed that she could not represent Claimant at hearing unless she established the legal basis for her authorization to act, and if she failed to do so, the proceedings would be dismissed for lack of jurisdiction.

4. Claimant's mother failed to present documentation of her status as Claimant's authorized representative. Neither Claimant nor his mother appeared at the hearing. The proceedings are dismissed for lack of jurisdiction.

ORDER

Claimant's appeal is dismissed for lack of jurisdiction.

DATED: August 7, 2015

_____/s/_____
REGINA BROWN
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative decision in this matter. Judicial review of this decision may be sought in a court of competent jurisdiction within ninety (90) days.