

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

OAH No. 2014050410

Claimant,

vs.

NORTH LOS ANGELES COUNTY  
REGIONAL CENTER,

Service Agency.

DECISION

This matter was heard by Humberto Flores, Administrative Law Judge (ALJ) with the Office of Administrative Hearings, on July 9, 2014, in Lancaster, California.

Claimant represented herself.

North Los Angeles County Regional Center (NLACRC or regional center) was represented by Stella Dorian, Fair Hearing Representative.

Evidence was received and the matter was submitted for decision.

ISSUE

1. Did the regional center properly deny funding to pay a security deposit and the first month's rent for an apartment or other residence for claimant to relocate?
2. Did the regional center fail to comply with orders set forth in previous ALJ decisions and to meet its obligations set forth in past mediation agreements?
3. Did the regional center assist claimant in her effort to reopen her case with the Department of Rehabilitation?

## FACTUAL FINDINGS

1. Claimant is an adult female who is requesting that the regional center pay a security deposit and first month rent for an apartment for her to reside. Further, claimant contends that the regional center has not complied with previous decisions rendered by Administrative Law Judges (ALJs), and failed to comply with past mediation agreements.

2. On May 8, 2014, the regional center issued a Notice of Proposed Action denying claimant's request for funding to pay rent for relocation housing. The regional center based its decision on Welfare and Institutions Code sections 4659, subdivision (a) and (c), and 4648, stating that regional centers cannot supplant the budget of any agency that has the legal responsibility to provide such funding. Claimant filed a request for a hearing and this matter ensued.

3. On June 18, 2014, the Service Agency issued an Informal Decision Letter informing claimant that NLACRC denied her request for relocation expenses. The regional center based its decision on its contention that regional centers do not have statutory authority to fund for relocation costs such as security deposits and rent. In addition, the Informal Decision Letter asserted that NLACRC has complied with all previous ALJ decisions, as well as past mediation agreements.

4. Claimant has been homeless for the past year but she is now receiving help from a friend while she tries to find an apartment or house she can live in. She testified that while she was living outdoors, she had been the victim of certain crimes including rape. Claimant has applied with the Los Angeles District Attorney's Office for monetary assistance for relocation under the Victim/Witness Assistance Program (VAP) pursuant to Penal Code section 13835.5. It is unclear whether claimant has sought monetary assistance from the California Victim Compensation Program (CalVCP) pursuant to Government Code sections 13950-13966. VAP and CalVCP are authorized to

provide compensation for crime victims, including paying expenses relating to relocation for victims of crime.

5. The evidence established through the testimony of Stella Dorian that CalVCP would not reimburse the regional center for advancing funds for claimant's relocation, however, CalVCP would pay relocation expenses directly to the landlord once claimant finds a rental.

6. In August 2013, claimant informed the regional center that she had been approved for relocation assistance through VAP. The regional center agreed to assist claimant in her attempt to obtain relocation funding from VAP. In October 2013, claimant's service coordinator obtained police reports from the Los Angeles County Sheriff concerning claimant's allegations that she has been a victim of certain crimes. The service coordinator then communicated with VAP seeking information of claimant's case and thereafter wrote a letter on behalf of claimant. Claimant expressed dissatisfaction with the letter. On November 25, 2013, Edith Bryant, NLACRC Program Manager, wrote a second letter and faxed the letter to claimant for her approval. It is unclear whether claimant responded.

7. At one point during the relocation process, it was suggested that claimant be relocated to Tehachapi, California. Claimant declined because she currently is the subject of an arrest warrant in Kern County. The relocation process is ongoing.

8. In March 2014, claimant's service coordinator contacted the Lancaster Homeless Shelter and was informed that claimant (who previously resided there) would be allowed to return to the Shelter. Claimant declined. The service coordinator proposed searching for a residential facility for claimant to reside. The service coordinator contacted several residential providers and identified one that had an opening for a new resident. Claimant was reticent because she felt that her level of disability was not compatible with the level of developmental disability of the consumers residing in these

residential facilities. On June 11, 2014, claimant informed the regional center that she was not interested in living in a residential facility.

9. In early 2013, claimant submitted an application to the Department of Rehabilitation (DOR) for vocational training. She applied for the grant writing program. In March and again in May 2014, claimant's service coordinator contacted DOR and inquired about the status of claimant's case. The service coordinator was informed that claimant's case was closed in 2013 because claimant did not meet certain prerequisites before she could be accepted into the grant writing vocational program. The DOR representative indicated that claimant needed to improve her English and Math skills before she could pursue her requested vocational training. The service coordinator was also informed that claimant was advised by a DOR representative that she also needed to address her medical issues and to seek psychiatric treatment prior to pursuing vocational training.

10. Claimant contends that the regional center has not complied with orders in previous ALJ decisions, nor has it met its obligations set forth in past mediations agreements. Claimant's contention is not persuasive. It is noted that a January 15, 2013 mediation agreement states that "all obligations of NLACRC from the orders in case numbers OAH 2011102058 (4/27/11), 2008110215 (6/25/09), and the medication agreements dated 8/7/12 (Case number 2012061214), dated 11/14/12 (Case number 2012100937) and dated 3/8/12 (Case number 2012020107) have been met." The January 15, 2013 mediation agreement also states the following:

- (a) NLACRC will reprint and provide claimant with a Medicare appeal form along with a previously prepared form and the Independent Living Services (ILS) worker will assist claimant in preparing [and delivering] the form.

- (b) Consumer will work with ILS worker to explore public transportation options and the ILS worker will accompany consumer to medical and dental appointments until Access Services are approved for consumer.
- (c) ILS worker will attempt to arrange an Access Services appointment for consumer.
- (d) NLACRC will coordinate with consumer to provide automobile transportation to and from consumer's dental surgery.

11. The evidence established that NLACRC has complied with all requirements of the January 15, 2013 mediation agreement. NLACRC provided claimant with the Medicare appeal forms. Further, the ILS worker did everything she was asked to do regarding public transportation for claimant, transportation for claimant's medical and dental appointments, and making the appropriate contacts and appointments for assessments with Access Services. Despite the efforts of the ILS worker, claimant informed the regional center in March 2013, that she no longer wanted the services of the ILS worker. The NLACRC case management team continues to search for another ILS provider for claimant.

## LEGAL CONCLUSIONS

### CLAIMANT'S REQUEST FOR CRIME VICTIM RELOCATION FUNDING

1. Welfare and Institutions Code section 4648, subdivision (a)(8), prohibits regional centers from funding for services where another public agency has the legal responsibility to provide such funding. This section states as follows:

Regional center funds shall not be used to supplant the budget of any agency that has a legal responsibility to serve all members of the general public and is receiving public funds for providing those services.

2. Welfare and Institutions Code section 4659 provides that regional centers shall identify and pursue all possible sources of funding for consumers including governmental and other entities that are responsible and/or are required to fund for such services. This section states in pertinent part:

(a) Except as otherwise provided in subdivision (b) or (e), the regional center shall identify and pursue all possible sources of funding for consumers receiving regional center services. These sources shall include, but not be limited to, both of the following:

(1) Governmental or other entities or programs required to provide or pay the cost of providing services, including Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, school districts, and federal supplemental security income and the state supplementary program.

(2) Private entities, to the maximum extent they are liable for the cost of services, aid, insurance, or medical assistance to the consumer.

(b) Any revenues collected by a regional center pursuant to this section shall be applied against the cost of services prior to use of regional center funds for those services. This revenue shall not result in a reduction in the regional center's purchase of services budget, except as it relates to federal supplemental security income and the state supplementary program.

(c) Effective July 1, 2009, notwithstanding any other provision of law or regulation to the contrary, regional centers shall not purchase any service that would otherwise be available from Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services, In-Home Support Services, California Children's Services, private insurance, or a health care service plan when a consumer or a family meets the criteria of this coverage but chooses not to pursue that coverage. If, on July 1, 2009, a regional center is purchasing that

service as part of a consumer's individual program plan (IPP), the prohibition shall take effect on October 1, 2009.

3. As a victim of a crime, Claimant is may apply for victim compensation funds under Penal Code section 13835 et seq. and Government Code sections 13950-13966. Penal Code section 13835.5 sets forth the following services that local agencies such as Los Angeles County provide to victim and witnesses of crimes

(a) Comprehensive services shall include all of the following primary services:

- (1) Crisis intervention, providing timely and comprehensive responses to the individual needs of victims.
- (2) Emergency assistance, directly or indirectly providing food, housing, clothing, and, when necessary, cash.
- (3) Resource and referral counseling to agencies within the community which are appropriate to meet the victim's needs.
- (4) Direct counseling of the victim on problems resulting from the crime.
- (5) Assistance in the processing, filing, and verifying of claims filed by victims of crime pursuant to Article 1 (commencing with Section 13959) of Part 4 of Division 3 of Title 2 of the Government Code.

[¶] . . . [¶]

(b) Comprehensive services may include the following optional services, if their provision does not preclude the efficient provision of primary services:

[¶] . . . [¶]

- (7) Witness protection, including arranging for law enforcement protection or relocating witnesses in new residences.

4. Under Government Code section 13957, the California Victim Compensation and Government Claims Board may make a grant for pecuniary loss, when the board determines it will best aid the person seeking compensation, as follows:

- (a) (8) (A) Authorize a cash payment or reimbursement not to exceed two thousand dollars (\$2,000) to a victim for expenses incurred in relocating, if the expenses are determined by law enforcement to be necessary for the personal safety of the victim or by a mental health treatment provider to be necessary for the emotional well-being of the victim.
- (E) Notwithstanding subparagraphs (A) and (B), the board may increase the cash payment or reimbursement for expenses incurred in relocating to an amount greater than two thousand dollars (\$2,000), if the board finds this amount is appropriate due to the unusual, dire, or exceptional circumstances of a particular claim.

5. In this case, claimant has begun the process of applying for victim compensation funds through Los Angeles County Victim Assistance Program and CalVCP seeking emergency funds and funds for relocation. Los Angeles County and the State of California are the agencies responsible for compensating victims of crimes. NLACRC is not responsible for providing compensation for crime victims. Therefore, cause exists under Welfare and Institutions Code sections 4648, subdivision (a)(8), and 4659 to affirm NLACRC's decision denying funding for relocation expenses for claimant.

#### CLAIMANT'S REQUEST TO REOPEN DEPARTMENT OF REHABILITATION CASE

6. NLACRC has made every reasonable attempt under Welfare and Institutions Code section 4659 to determine the reason for the closure of claimant's case with DOR. After having various communications with DOR representatives, claimant's service coordinator informed claimant of the reasons for the closure of her application for vocational training. Claimant has not met the prerequisites established by DOR for the grant writing vocational training program. The decision to close claimant's case lies with DOR.



## PREVIOUS MEDIATION AGREEMENTS AND ALJ DECISIONS REGARDING CLAIMANT

7. NLACRC has met all obligations and responsibilities of past mediation agreements and ALJ decisions. The regional center has helped claimant apply for Medicare, provided transportation for medical and dental appointments, communicated with DOR regarding claimant's application for vocational training, has obtained and funded independent living services for claimant, and offered to provide funding for claimant to reside in a residential facility, and has helped claimant apply for Access Services. Claimant accepted some services and declined others. Although NLACRC has complied with its obligations and responsibilities to claimant, it is nevertheless recommended that NLACRC continue its efforts to advocate and help claimant in her efforts to obtain funding for relocation through the Victim Assistance Program and CalVCP.

## ORDER

1. The North Los Angeles County Regional Center's denial of funding for claimant to relocate is affirmed. Claimant's appeal of that determination is denied.

2. The North Los Angeles County Regional Center has complied with all previous ALJ decisions and prior mediation agreements. Claimant contention that the North Los Angeles Regional Center did not comply is rejected.

3. The North Los Angeles County Regional Center has complied with its obligation under Welfare and Institution Code section 4659 to communicate with DOR to determine the reason for DOR's decision to close claimant's case regarding her application for vocational training.

DATED: July 15, 2014

---

HUMBERTO FLORES

Administrative Law Judge

Office of Administrative Hearings

## NOTICE

**This is the final administrative decision. Both parties are bound by this decision. Either party may appeal this decision to a court of competent jurisdiction within 90 days.**