

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT,

vs.

WESTSIDE REGIONAL CENTER,

Service Agency.

OAH No. 2018120882

DECISION

David Rosenman, Administrative Law Judge (ALJ) with the Office of Administrative Hearings, heard this matter on January 30, 2019, in Culver City, California. Claimant was represented by her mother who acted as her authorized representative.<sup>1</sup> Claimant's father was also present. Westside Regional Center (Service Agency or WRC) was represented by Lisa Basiri, its Fair Hearing Coordinator.

Oral and documentary evidence was received. The matter was submitted for decision on January 30, 2019.

ISSUES

1. The Service Agency agrees to provide the cost of Claimant's private transportation to and from work, up to \$29.45 per day (for an average month of 23 days), to a maximum of \$690 per month, either as reimbursement or to an

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<sup>1</sup> Names are omitted to protect the privacy of Claimant and her family.

independent provider. Should the Service Agency provide the full cost of, dependable transportation by a third party, or reimbursement to Claimant's parents, for Claimant's transportation to and from work?

2. Should the Service Agency provide the full cost of dependable transportation of Claimant to and from social recreational and special events (appearances), provided by a third party or by reimbursement to Claimant's parents?

## EVIDENCE

Documents: Service Agency exhibits 1 to 9; Claimant exhibits C-1 to C-8.

Testimony: Lisa Basiri, Claimant's mother, and Claimant's father.

## FACTUAL FINDINGS

### PARTIES AND JURISDICTION

1. Claimant is a 28-year-old female client of WRC with diagnoses of Down's Syndrome and Mild Intellectual Disability. She resides at home with her mother, father, and siblings.

2. At various times through 2017 and 2018, mother requested WRC to provide transportation assistance to transport Claimant to and from various activities and events. After Claimant got a job in April 2018, mother asked for transportation assistance to and from work. (See, generally, emails in exhibit C-5.) WRC provided some transportation assistance, described in more detail below.

3. On November 2, 2018, WRC sent a letter to mother and a Notice of Proposed Action (NOPA) (exhibit 2) denying requests for additional transportation funds.

4. On December 13, 2018, mother signed a Fair Hearing Request (FHR) on the issue of additional transportation assistance.

## BACKGROUND INFORMATION

5. Claimant and her family live in Manhattan Beach, outside of the catchment area of WRC. However, WRC agreed to keep Claimant's case as opposed to transferring it to the Harbor Regional Center.

6. Claimant has an extensive history of notable experiences in education, acting, awards and speaking engagements, and other activities, as summarized in her resume (exhibit C-1) and testimony from mother and father. Claimant is very active in the community and often engages in educational and social activities related to her desire to continue to work in the entertainment industry. For example, after graduating from high school, she trained in voice, theater and photography at El Camino College, takes classes in voice, acting and dance at Performing Arts Studio West (PASW) in Inglewood and, for many years has been taking classes in voice and acting at Born to Act Players (BAP) in Studio City. Claimant has played a supporting actor role on the television series *Born This Way* from 2016 to present, and has appeared in several films, commercials and public service announcements. She has received numerous awards and been a speaker and participant at numerous events throughout the state, such as Special Olympics, fundraising events, and riding on a float in the Pasadena Tournament of Roses Parade. Mother provided a list of requests, received from January 25 to 29, 2019, for Claimant to appear at an event in Connecticut in September, to be interviewed for a local magazine, to be a co-director of a buddy program for college students, and to appear for a Special Olympics event in Calabasas. Claimant is clearly active in the community, accomplished, and in demand.

7. On April 16, 2018, Claimant began work part time at Entertainment Industry Foundation in Westwood, as a receptionist and front desk administrator, usually four days per week, from 9 a.m. to 2 p.m. To accommodate some of her

other commitments, her work schedule is flexible and her employer will vary her regular days and hours.

8. In its letter and NOPA of November 2, 2018 (exhibit 2), WRC states that a request for private transportation to social-recreational and special events is denied, based on Welfare and Institutions Code section 4648.35.<sup>2</sup> That section is quoted below, but in summary provides that a regional center shall not provide private specialized transportation for an adult consumer who can safely use available public transportation, shall fund the least expensive modality that meets the consumer's needs set forth in the consumer's Individualized Program Plan (IPP), and shall fund required transportation from the consumer's residence to the lowest-cost vendor that meets those needs. The letter notes that mother's request related to round-trip transportation for work, and transportation "to a variety of social/recreational activities and social events throughout the month." (*Id.*)

9. a. The letter, written by Claimant's service coordinator Miriam Munoz, includes other pertinent information. Previously, WRC had approved transportation, but the monthly volume was calculated incorrectly at a rate of 228 miles per day for a total of 5,244 miles per month, which Ms. Munoz claimed was far beyond any reasonable amount for transportation.

b. In this regard, Ms. Munoz was correct. Mother submitted detailed records of Claimant's transportation mileage for many, but not all, of her activities (exhibit C-6). To the extent that mileage for an activity has not been included, it is inferred that Claimant is not requesting transportation funding from WRC. Not included were activities such as doctor appointments, Special Olympics athletic

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<sup>2</sup> All further references to a statute are to the Welfare and Institutions Code, unless noted otherwise.

participation, Friendship Foundation activities, Exceptional Kid Parent Teacher Organization events, social events with friends not including her boyfriend (who is an actor on *Born This Way*, where activities including Claimant may be part of the filming), and everyday activities such as shopping. From January to December 2018, monthly mileage is listed from a high of 2,584 to a low of 533 (the low mileage, in December 2018, was substantially lower than other months), with an average from January to November of 1,793 miles per month.

c. Ms. Munoz acknowledged that there were difficulties in using Access Services, described below, and that WRC would therefore pay a higher amount, referred to as a "zone rate," of \$13.39 per day, four days per week, based on Claimant's work schedule. Further, as private transportation was not permitted for social-recreational activities under Code section 4648.35, WRC offered to fund the Access Services rate of \$2.75 per trip, for five days per month, which is a service "that could be increased, to be utilized for transportation." Transportation for special events could be arranged through Access Services or private ride share (Lyft or Uber), and Ms. Munoz suggested that some organizers of special events might provide transportation or funding if asked. Ms. Munoz also suggested that Claimant's independent living services provider could work with Claimant on arranging for Access Services, requests to organizations, or public transportation.

d. Ms. Munoz concluded with WRC's offer to pay for private transportation at the rate of \$2.75 per trip (based on the Access Services rate), for a maximum of 23 days of transportation to attend any special events. Although not stated, the reasonable inference is that this offer was for 23 days per year. Mother was informed of her right to request a fair hearing.

e. As noted above, the fair hearing request was filed, dated December 13, 2018. A meeting with mother and Mary Rollins occurred at WRC on January 7, 2019, to discuss the hearing request. Following the meeting, Ms. Rollins wrote a

letter (exhibit 3) that, unfortunately, included that WRC had denied funding transportation for work, which was contrary to the letter from Ms. Munoz relating to funding at the "zone rate" for four days per week. Ms. Rollins included WRC's offer to fund: (a) transportation for work, four days per week, retroactive to April 16, 2018, at a rate of \$0.818 per mile for a 36 mile round trip (calculated at one and a half times the State of California reimbursement rate of \$0.545 per mile), for a total of \$29.45 per day, according to Ms. Basiri's testimony; (b) no funding for transportation for social recreational activities or engagements associated with formalized organizations, per Ms. Munoz's November 2, 2018 letter; (c) no funding for transportation for Born to Act Players or Straight Up Abilities, as these are social recreational programs; and (d) per mother's request, discontinue funding for PASW effective January 1, 2019.

#### CLAIMANT'S IPP AND ANNUAL UPDATES, AND CURRENT SERVICES

10. A meeting was held on July 27, 2016, to develop Claimant's IPP (exhibit 9), and there have been annual updates in July 2017 and July 2018 (exhibits 7 and 6, respectively). Portions of the IPP and the updates are relevant to the issues.

11. a. The 2016 IPP includes that Claimant is strong advocate for persons with disabilities, wants to "create change and spread the word of inclusion," loves dancing, acting, and singing, and would like to find work in acting or otherwise associated with the entertainment field, or in the catering business. There are numerous activities of daily living that she can perform on her own, and others that need prompting or support. She can communicate but her speech is sometimes difficult to understand. She can be too friendly or trusting of strangers. Her use of public transportation was improving. At that time, Claimant attended the PASW program five days per week, with round trip

transportation from Access Services. WRC funded a supported employment program to help Claimant find regular, paid work. On Saturdays Claimant attended BAP and performed for audiences. She had a talent agent who sent scripts for review. Mother "is very involved with planning and accessing for Claimant appropriate vocational/community resources." (Exhibit 8.) A wide variety of social and recreational activities was noted, and that Claimant could use public transportation with supports.

b. The following pre-typed statements in the 2016 IPP were endorsed with "Yes": "The IPP planning team concluded that client's community integration and participation could be safe and enhanced through the use of public transportation services"; "The IPP planning team has determined that generic transportation services are available and accessible"; and "The IPP planning team concluded that client will need mobility training, aides en route, or other supports to access public transportation safely." The following statement was endorsed with "No": "The IPP planning team concluded that the client is unable to safely access public transportation due to the severity of their disability, hours of employment, or (specific reason)." (*Id.*)

c. The 2016 IPP included the goals that Claimant would complete vocational training program tasks, explore and participate in appropriate vocational activities in the community. With WRC funding, she would attend PASW and BAP and take college classes to enhance her skills in acting and the entertainment industry. Claimant would use Access Services to get to programs and classes. Claimant's family would assist Claimant in accessing her community generally, and social recreation activities, via public transportation and paratransit.

d. With respect to goals in a prior IPP (date not indicated), the 2016 IPP noted various stages of progress, including in developing independence skills, vocational training (specifically referencing service on the Special Olympics Board of Directors and other activities), and participation in social/recreation activities.

12. The 2017 annual progress report included that the 2016 IPP was amended, including that WRC would continue to fund independent living services, PASW, and reimbursement for Access Services six days per week for transport PASW, college, and BAP. With respect to goals in the 2016 IPP, it was noted that Claimant made reasonable progress in developing independent living skills and in her Best Buddies supported employment program, which was funded by the Department of Rehabilitation. She received travel training using the bus and Access Services. Claimant met her goal of participating in social/recreation activities, including attendance at dances, serving on the Board of the Special Olympics and participating in fundraisers. She was on the television show *Born This Way* and enjoyed interacting with fans on social media.

13. The 2018 annual progress report included that the 2016 IPP was amended, including that WRC would continue to fund independent living services, PASW, and reimbursement for Access Services ten days per month for transport PASW on Fridays and BAP on Saturdays. WRC would start funding Best Buddies to support Claimant at her new job at Entertainment Industry Foundation. Claimant met her goal of participating in social/recreation activities, including that she attends conferences, speaking engagements and photo shoots for ads. Claimant was in the Easter Seals ad campaign. She had recently started her own business online, selling merchandise such as sweaters, iPhone cases and t-shirts.

14. WRC currently funds for job coaching, supported living services, PASW as a day program, and transportation. Ms. Basiri testified to explain some of the authorizations for transportation collected in exhibit C-8. Of relevance, several of the authorizations confirm that WRC funded transportation for Claimant to attend PASW and BAP in 2018, to reimburse mother for transportation, at a rate of \$5.50 per day, based on the rate of services by Access Services. An authorization for March 1, 2018, to July 31, 2019, at the federal mileage rate of \$0.545 per mile, for up to 5,244 miles, was cancelled after a new approval by WRC of the rate of \$0.54 per mile, with no number of days or number of miles listed. This confirms the statement in the letter by Ms. Munoz that an approval for excessive monthly miles was issued in error, as was also confirmed by testimony from Ms. Basiri. Ms. Basiri also testified that the current authorization for WRC transportation funding, in exhibit 5, is for the period from November 1, 2018, to July 31, 2019, and is based on 23 days per month, roundtrip, at the zone rate of \$13.39. She agreed that it should have been entered as of March 1, 2018, and that there were delays, confusion, and inconsistencies due to information needed for new authorizations as well as several absences of Claimant's service coordinator and attempts by others to cover her workload. Ms. Basiri also testified that the offer from Ms. Rollins in the January 2018 meeting was an attempt to be flexible and provide an increase in transportation funding for Claimant's job in a way that could be justified under the applicable laws.

#### OTHER RELEVANT EVIDENCE

15. Mother explained that Claimant's need for transportation is extensive and often complicated. Among the factors she testified to are that, if mother drives Claimant to and from work, each is a two-hour round trip for

mother. Further, there are some days when Claimant needs to be transported from work to another activity, or from activity to activity, and may need transportation back home as well. Some weeks when Claimant has activities that might conflict with her work schedule, her employer may allow her to work extra hours or different days. While mother has been willing to provide for some, and sometimes all, of Claimant's transportation, she now requests that WRC fund for all of Claimant's transportation, except for the excluded items listed in Factual Finding 9(b). Further, mother requests that the retroactive reimbursement to which WRC agrees, i.e., to March 16, 2018, should be to January 1, 2018.

16. Mother also expressed concern that, if Claimant uses public transportation such as taking the bus, she may not be safe, or may fall asleep and miss her stops. If ride sharing such as Lyft is used, the cost is about \$29 one way for Claimant to get to work, which is a distance of 18.7 miles. Mother has inquired generally whether organizations that invite Claimant or in which Claimant participates would provide transportation. Most do not. Mother stressed that the transportation provided by WRC must meet Claimant's needs.

17. Ms. Basiri noted that it is difficult for WRC to arrange for vendored transportation services because, in part, Claimant resides outside of WRC's catchment area, and vendored transportation is usually arranged for locations within the catchment area. Claimant works inside the catchment area and has activities that could be outside the catchment area. Also, Access Services does not cross county lines. WRC cannot authorize a flexible or open plan for transportation, as a specific and justifiable amount of funds is required. Further, transportation that is incidental to activities engaged in by persons without developmental disabilities is not a legal responsibility of a regional center.

18. There have been different determinations made by WRC at different times, often based on the available information and Claimant's changing needs

for reliable transportation. Included were consideration of different providers, rates, legs or portions of Claimant's travel to different, sometimes sequential events at different locations, and Claimant's work-related and other activities. Changed circumstances often required WRC to process different service requests to obtain authorization to provide funding.

19. Mother noted several issue with use of Access Services. It is difficult to assure on-time delivery or pick up, as Access Services often transports more than one person at a time with different pick up and drop off locations. Access Services gives consumers a broad window of times for delivery or pick up. For Claimant to get to work on time, she must be ready for pick up at least two hours early. Similarly, her ride home may last two hours. Recently, the driver went to a wrong address and did not pick up Claimant after work for more than an hour. Ms. Basiri confirmed that other consumers have raised issues with services by Access Services.

20. A further complication is that the various activities in which Claimant has been engaged in the past and present, and could be involved in or invited to in the future, cannot always be easily categorized as work-related, social, recreational, or a combination. As noted by mother, every time Claimant appears at an event, it could lead to a referral for employment or voluntary appearance as a performer, representative, or advocate. Mother testified that each event or appearance helps to build Claimant's self-confidence. According to mother, Claimant would like to monetize her appearances. As noted in the statutes and regulations discussed below, the distinctions between the nature of the different events may relate to the analysis of WRC's obligation, if any, to provide transportation.

21. As noted by Ms. Basiri, performers generally hold other jobs as well, due to lack of continuity of acting jobs or insufficient income solely from acting

jobs. WRC contends that, therefore, Claimant's numerous appearances, events and advocacy activities have a component that is no different than persons without a developmental disability, and would not trigger the necessity for WRC to provide services.

22. Mother did a remarkable job in gathering, organizing, and presenting voluminous information in Claimant's exhibits, and referred to much of that information in her testimony. It provided valuable background and historical information. Many of the discussions, steps, documents, and actions included therein are not referenced specifically in this Decision; however, the ALJ analyzed the information presented so as to crystalize the most relevant and salient elements needed to determine the issues.

## LEGAL CONCLUSIONS

1. Claimant's appeal is dismissed as to the Service Agency's denial of funding for the cost of Claimant's private transportation to and from work, beyond the amount offered by the Service Agency; that is, up to \$29.45 per day (for an average month of 23 days), to a maximum of \$690, either as reimbursement or to an independent provider, retroactive to March 1, 2018.

2. Claimant's appeal is dismissed as to the Service Agency's denial of funding for the cost of Claimant's private transportation to and from activities other than work.

3. The Lanterman Developmental Disabilities Services Act (Lanterman Act) governs this case. (Code, § 4500 et seq.) An administrative hearing to determine the rights and obligations of the parties, if any, is available by an appeal of a regional center decision to deny a service. (Code, §§ 4710-4714.) Claimant timely requested a hearing following WRC's denial of requested services, and therefore, jurisdiction for this appeal was established.

4. When a party seeks government benefits or services, she bears the burden of proof. (See, e.g., *Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161 [disability benefits].) The standard of proof in this case is the preponderance of the evidence, because no law or statute requires otherwise. A preponderance of the evidence requires the trier of fact to determine that the existence of a fact is more probable than its nonexistence. (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 594.) Because Claimant is the party seeking services, i.e., that Service Agency fund additional transportation, Claimant has the burden of proof to establish that the funding is authorized under the law and is necessary. (See Evid. Code, §§ 115 and 500.) Claimant has failed to meet her burden, as more fully described below.

#### THE LAW GENERALLY AS TO IPP'S AND SERVICES

5. As a person with a developmental; disability, Claimant is eligible for services under the Lanterman Act. Code section 4512, subdivision (b), provides, in part:

“Services and supports for persons with developmental disabilities” means specialized services and supports or special adaptations of generic services and supports directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of independent, productive, and normal lives. The determination of which services and supports are necessary for each consumer shall be

made through the individual program plan process. The determination shall be made on the basis of the needs and preferences of the consumer or, when appropriate, the consumer's family, and shall include consideration of a range of service options proposed by individual program plan participants, the effectiveness of each option in meeting the goals stated in the individual program plan, and the cost-effectiveness of each option.

6. Code section 4512, subdivision (b), also lists various types of services and supports, including, as might be relevant to this matter, training, recreation, advocacy assistance, including self-advocacy training, facilitation and peer advocates, facilitating circles of support, travel training, and transportation services necessary to ensure delivery of services to persons with developmental disabilities.

7. Regional centers are charged with the responsibility of carrying out the state's responsibilities to the developmentally disabled under the Lanterman Act. (Code, § 4620, subd. (a)), and are responsible for assisting persons with developmental disabilities and their families in securing those services and supports which "maximize opportunities and choices for living, working, learning, and recreating in the community." (Code, § 4640.7, subd. (a).)

8. The development and implementation of an IPP is a cornerstone of the regional center's responsibilities to the consumer. The Lanterman Act directs regional centers to develop and implement an IPP for each individual who is eligible for regional center services. (Code, § 4646.) The IPP states the consumer's goals and objectives and delineates the services and supports the consumer

needs in order to achieve the goals set forth in the Lanterman Act. (Code, §§ 4646, 4646.5, and 4648.) These goals and objectives are to take into account the individual needs of the client, and are aimed at “maximize[ing] opportunities for the consumer to develop relationships, be part of community life in the areas of community participation, housing, work, school, and leisure, increase control over his or her life, acquire increasingly positive roles in community life, and develop competencies to help accomplish these goals.” (Code, § 4646.5, subds. (a)(2) & (d).)

9. The Legislature’s intent is that an IPP should address the needs and preferences of the consumer and the family, through a collaborative process, in order to provide consumers with the opportunity to live independent, productive, and normal lives in a stable and healthy environment. (Code, §§ 4646, and 4646.5.) Planning is to have a general goal of allowing all consumers to interact with persons without disabilities in positive and meaningful ways. (Code, § 4648, subd. (a)(1).) The planning process for the IPP includes gathering information and including a “schedule of the type and amount of services and supports to be purchased by the regional center or obtained from generic agencies or other resources in order to achieve the individual program plan goals and objectives, and identification of the provider or providers of service responsible for attaining each objective, including, but not limited to, vendors, contracted providers, generic service agencies, and natural supports.” (Code, § 4646.5, subd. (a)(4).) The services and supports are to be flexible and individually tailored to the consumer and, “where appropriate,” his or her family. (Code, §§ 4646, subd. (b), and 4648, subd. (a)(2).) Meeting the needs and honoring the choices of persons with developmental disabilities “requires information, skills and coordination and collaboration between consumers, families, regional centers, advocates and service and support providers.” (Code, § 4511, subd. (a).)

10. One important mandate included within the statutory scheme is the flexibility necessary to meet unusual or unique circumstances, which is expressed in many different ways in the Lanterman Act. Regional centers are encouraged to employ innovative programs and techniques (Code, § 4630, subd. (b)); to find innovative and economical ways to achieve the goals in an IPP (Code, § 4651); and to utilize innovative service-delivery mechanisms (Code, §§ 4685, subd. (c)(3), and 4791).

11. The Lanterman Act also emphasizes cost-efficiency in the provision of services. (See, e.g., Code, §§ 4512, subd. (b)), 4646, subd. (a), 4648, subd. (a)(11), and 4685.) The Lanterman Act requires the regional centers to control costs as far as possible, seek other resources to provide services when required, and to otherwise conserve resources that must be shared by many consumers. (See, e.g., Code, §§ 4640.7, subd. (b), 4651, subd. (a), 4659, and 4697.) A fair reading of the law is that a regional center is not required to meet a consumer's every possible need or desire, in part because it is obligated to meet the needs of many consumers.

12. The IPP may be modified as necessary in response to changes in the underlying circumstances, and no less often than every three years. (Code, § 4646.5, subd. (b).)

#### CLAIMANT'S IPP AND CASE MANAGEMENT

13. Claimant's 2016 IPP and subsequent annual reports address her need for transportation. Several of Claimant's activities are characterized as social and/or recreational; however, this is not controlling, as the descriptions are a function of the forms used by WRC and not a substantive characterization of the activities. Various levels of transportation funding are included in the 2016 IPP and subsequent annual reports.

14. In the course of reviewing authorizations for providing transportation funds, there have been several delays, mistakes, and changes. Claimant's request in 2018 for additional transportation funds triggered further review and attempts by WRC to address some of her transportation needs.

#### CHANGES TO THE LANTERMAN ACT AFFECTING TRANSPORTATION FUNDS AND SOCIAL RECREATION ACTIVITIES

15. In 2009, the Legislature amended the Lanterman Act in ways intended to reduce regional center funding of certain services. Code section 4648.5, subdivision (a)(2), suspended regional center funding for "social recreation activities, except for those activities vendored as community-based day programs." WRC presently funds PASW as a day program. Mother stated to Ms. Rollins at their meeting on January 7, 2019, that WRC could discontinue funding for PASW. There are no other activities of Claimant that appear to be vendored as community-based day programs. Therefore, by operation of Code section 4648.5, subdivision (a)(2), Claimant's activities non-work related activities would not be funded by WRC.

16. Effective January 1, 2011, Code section 4648.35 limits transportation services for adult consumers. Code section 4648.35 states, in part:

At the time of development, review, or modification of a consumer's individual program plan (IPP) or individualized family service plan (IFSP), all of the following shall apply to a regional center:

- (a) A regional center shall not fund private specialized transportation services for an adult consumer who can safely access and utilize public transportation, when that transportation is available.

- (b) A regional center shall fund the least expensive transportation modality that meets the consumer's needs, as set forth in the consumer's IPP or IFSP.
- (c) A regional center shall fund transportation, when required, from the consumer's residence to the lowest-cost vendor that provides the service that meets the consumer's needs, as set forth in the consumer's IPP or IFSP. For purposes of this subdivision, the cost of a vendor shall be determined by combining the vendor's program costs and the costs to transport a consumer from the consumer's residence to the vendor.

## OUTCOME

17. Code section 4648.35 acts to place substantial limits on transportation services for Claimant that would be funded by WRC. However, it is not clear from the evidence that WRC has assessed Claimant's current ability to safely access and utilize public transportation, nor is it clear how such an assessment is made or what factors are considered. Such information would be helpful in determining the effect of Code section 4648.35. As of the 2016 IPP, it was indicated that Claimant's integration into the community could be safe through use of public transportation, that generic transportation services were available, and that Claimant would need mobility training or supports to access public transportation safely. Subsequent annual reports indicated that Claimant received travel training to use the bus and Access Services, and would receive reimbursement for use of Access services to PASW ten days per month and to BAP on Saturdays.

18. Under the circumstances, a new transportation assessment should be conducted, and WRC shall arrange for the assessment within 30 days. Claimant and her family shall cooperate in the assessment process. Any

amendments to Claimant's IPP can be discussed after the assessment, and a meeting for that purpose shall take place within 30 days after the assessment is completed.

19. With respect to Claimant's work-related transportation, WRC shall fund at the rate offered in Ms. Rollins's letter after the meeting on January 7, 2019; that is, transportation for work, four days per week, retroactive to April 16, 2018, for a total of \$29.45 per day to a maximum of \$690 per month.

20. WRC's ability to fund for private transportation services for Claimant's non-work related activities is currently curtailed by operation of Code section 4648.35. The assessment will determine whether Claimant is entitled to any funding for further private transportation.

21. Until the transportation assessment is complete and the meeting with the family occurs, WRC shall fund for Claimant's special events at the rate offered in Ms. Munoz's November 2, 2018 letter; that is, at the rate of \$2.75 per trip (based on the Access Services rate), for a maximum of 23 days of transportation per year, for Claimant to attend what was referred to as "any special events." (See Factual Finding 9(d).)

## ORDER

1. WRC shall fund Claimant's transportation for work, four days per week, retroactive to April 16, 2018, for a total of \$29.45 per day to a maximum of \$690 per month.

2. Within 30 days, WRC shall conduct and complete a transportation assessment of Claimant, including the factors found in Welfare and Institutions Code section 4648.35. Claimant shall cooperate in the assessment process.

3. Within 30 days after the conclusion of the transportation assessment of Claimant, Claimant, her family and WRC representative(s) shall meet to review Claimant's transportation needs and possible transportation funding.

4. Until the meeting in paragraph 3 of this Order occurs, WRC shall fund for Claimant's special events at the rate of \$2.75 per trip, for a maximum of 23 days of transportation per year, for Claimant to attend any special events.

DATED:

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DAVID B. ROSENMAN

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.**