

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT

vs.

SOUTH CENTRAL LOS ANGELES  
REGIONAL CENTER,

Service Agency.

OAH No. 2018100589

DECISION

Irina Tentser, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on December 3, 2018, in Los Angeles.

Karmell Walker, Fair Hearing Coordinator, represented South Central Los Angeles Regional Center (SCLARC or Regional Center). Claimant was present at the hearing and was represented by his sister.<sup>1</sup>

Oral and documentary evidence was received, the record was closed, and the matter was submitted for decision on December 3, 2018.

ISSUE

Whether the Regional Center is required under the Lanterman Developmental Disabilities Act (Lanterman Act) to fund (1) claimant's mattress and (2) claimant's rent for August 2018.

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<sup>1</sup> Family titles are used to protect the privacy of claimant and his family.

## EVIDENCE RELIED UPON

*Documents.* Regional Center's exhibits 1 through 6.

*Testimony.* Veronica Linares; Sarah Salceda; and claimant's sister.

## FACTUAL FINDINGS

### PARTIES AND JURISDICTION

1. Claimant is a 19-year-old male who is a consumer of SCLARC based on his qualifying diagnoses of Autism Disorder and Mild Intellectual Disability. Claimant resides with his mother and his brother, who is also a SCLARC consumer.

2. Claimant receives monthly Supplemental Security Income (SSI) of approximately \$800 per month. SSI is a federally funded program which provides cash to aged, blind and disabled individuals with little or no income to meet their basic needs for food, clothing and shelter.

3. On February 13, 2018, claimant's mother told Veronica Linares, claimant's service coordinator at SCLARC, that she wanted the Regional Center to pay the cost to purchase a mattress for claimant because claimant's mattress was old. Claimant's mother was informed that in order for SCLARC to process her request, she had to provide supporting documentation, including a quote for the cost of the mattress. Between February and August 2018, no supporting documentation was provided to the Regional Center regarding the mattress purchase request.

4. On August 30, 2018, claimant's mother provided a \$1,700 quote to SCLARC for a mattress purchase. In addition, claimant's mother requested that the Regional Center provide a one-time payment of \$600 to assist with the family's rental payment for August 2018. The basis for the rental assistance request was the assertion by claimant's mother that the family had incurred expenses. These included unspecified

holiday expenses and costs associated with the towing of claimant's mother's car.<sup>2</sup> Mother had transported claimant to a SCLARC appointment and had parked in a tow-away zone. The family used claimant's SSI funds to pay the costs incurred in connection with that incident. As a result, the family experienced financial strain in meeting its expenses.

5. SCLARC denied both of claimant's funding requests. In a Notice of Proposed Action (NOPA) dated September 13, 2018, and an accompanying letter, Dexter A. Henderson, SCLARC's Executive Director, wrote that SCLARC's Purchase of Service (POS) policy states that services and supports purchased by SCLARC must address needs or problems associated with the individual's developmental disability. In addition, generic community resources must be explored prior to the provision of funding by the Regional Center. (Ex. 2.) The letter stated that the funding request was denied because daily living expenses (i.e. food, shelter, and clothing) do not constitute "a service or support directed at alleviating [claimant's] disability." (Ex. 2.) While exceptions could be made to fund for rental assistance, Mr. Henderson noted that this exception applies when a consumer has a history of multiple failed housing or placement due to health or behavioral issues, which is not the case for claimant. The letter suggested various generic resources that might assist with claimant's needs and noted that claimant's service coordinator could provide a referral to the Family Resource Center/Navigator Program. As authority for the funding denial, Mr. Henderson cited Welfare and Institutions Code sections 4648, subdivision (a)(8), and 4512, subdivision (b),<sup>3</sup> as well as regional center funding guidelines. Those sections of the Lanterman Act state, in part, that Regional Center funds shall not be used to supplant the budget of any agency.

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<sup>2</sup> As no supporting documentation was provided regarding the car towing, the cost of the towing was not established at hearing.

<sup>3</sup> Further statutory references are to the Welfare and Institutions Code unless otherwise stated.

6. After the NOPA was issued, claimant's mother submitted a Fair Hearing Request (FHR). Because of a question regarding whether claimant's mother was authorized to request the hearing, a subsequent FHR was filed by claimant, requesting assistance with the purchase of a mattress and "services" for claimant. At hearing, claimant's sister and the Regional Center agreed that the issues to be resolved at hearing involved claimant's request for purchase of a mattress and a \$600 one-time rent payment for August 2018.

#### HEARING

7. At hearing, Sarah Salceda, Friends of SCLARC, Inc. (FoS) liaison, testified regarding the denial of claimant's requests. FoS is an organization that works with SCLARC to "fill in the gaps left by the strict funding guidelines that the Regional Center must adhere to as it pertains to SCLARC's Purchase of Service policies and guidelines." (Ex. 6.) FoS maintains an Emergency Assistance Fund to provide SCLARC consumers and their families with funding resources in emergency situations. FoS may provide rent subsidies; money to prevent disruption of utilities; replacement of durable medical equipment; personal incidentals such as clothing, personal supplies, and toiletries; groceries in the form of \$50 gift cards; and gift cards for Thanksgiving turkeys. (*Id.*)

8. In order to apply for the Emergency Assistance Fund, the need must be due to one of the following emergency situations: natural disaster; hardship due to medical disability that interrupts income; unforeseen property damage (such as flood or fire in the home); unforeseen situations that cause displacement (such as home repairs causing displacement or a risk to personal safety where the consumer is unable to return home). (Ex. 6.) Funding is limited to a maximum of \$1,000 with exceptions made on a case-by-case basis. Among other requirements, an emergency must exist in order to be eligible for FoS funding. . (*Id.*)

9. Ms. Salceda testified that claimant's requests were communicated to FoS by claimant's SCLARC program manager. FoS declined to fund the purchase of a \$1,700 mattress and the \$600 rental subsidy. According to Ms. Salceda, the requests were

found to be ineligible for emergency funding because they did not meet the definition of an emergency in accordance with FoS guidelines, as described in factual finding 8. In addition, claimant's funding request exceeded the \$1,000 limit set by FoS guidelines.

10. Claimant's sister testified that Ms. Linares had given claimant and his mother the impression that SCLARC would pay for the mattress. She stated that mother would not have asked Regional Center to pay for the mattress if they had been provided with FoS's eligibility guidelines from the outset. Claimant's sister's testimony was contrary to that of Ms. Linares, who convincingly testified that she had informed claimant's mother that the Regional Center did not normally fund the purchase of living expenses for consumers. Ms. Linares credibly stated that she had explained that supporting documentation would be necessary if, as claimant's mother insisted, such a request was made by claimant. The reliability of claimant's sister's testimony is questionable as it is based on a second-hand report by either claimant's mother and/or claimant, as claimant's sister did not attend the February 2018 meeting between Ms. Linares and claimant's mother.

11. Claimant's sister expressed frustration, stating that the family believes that Ms. Linares is an ineffective service coordinator who failed to provide claimant with information about available services. While Ms. Linares disputed the assertion that she failed to communicate in a timely manner with claimant and his mother, she testified that she was in the process of being replaced as claimant's service coordinator to accommodate claimant's request that a different service coordinator be assigned to him.

12. With regard to the rent subsidy, claimant's sister testified that the Regional Center should assist claimant because the family was short of funds due to family expenses and costs associated with the towing of mother's car. Claimant provided no evidence that the family sought to utilize other generic resources to cover the cost of the mattress or rent.

## LEGAL CONCLUSION

1. The Lanterman Act governs this case. (§ 4500 et seq.) Under the Lanterman

Act, all issues concerning the rights of persons with developmental disabilities to receive services must be decided under the appeal and "fair hearing" procedures set forth in section 4700 et seq. (§ 4706, subd. (a).)

2. Claimant requested a fair hearing to appeal the denial of funding for claimant's mattress and rent subsidy. Jurisdiction in this case was established. (Factual Findings 1-6.) As the party seeking services not agreed to by the Regional Center, claimant must prove that he is entitled to funding for the \$1,700 mattress and \$600 August 2018 rent subsidy. (See § 4712, subd. (j); *Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 789, fn. 9; *Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161), and he must do so by a preponderance of the evidence. (Evid. Code, § 115.)

3. The Lanterman Act acknowledges the state's responsibility to provide services and supports for developmentally disabled individuals and their families. (§ 4501.) The state agency charged with implementing the Lanterman Act, the Department of Developmental Services (DDS), is authorized to contract with regional centers to provide developmentally disabled individuals with access to the services and supports best suited to them throughout their lifetime. (§ 4520.)

4. In deciding whether to fund a particular service or support, regional center funds must not be used to supplant the budget of any agency. (§ 4648.4, subd. (a)(8).)

5. In this case, no legal basis was established for requiring the Regional Center to fund the purchase of claimant's \$1,700 mattress or a one-time \$600 rent subsidy for August 2018. Claimant did not establish a connection between the type of funds requested and his developmental disability. Further, no emergency situation was established that would warrant such funding. These are the types of living expenses that are generally covered by claimant's SSI.

6. Cause was not established under the Lanterman Act to require the Regional Center to fund for claimant's mattress and rent subsidy. (Factual Findings 1-12.)

## ORDER

Claimant's appeal is denied.

DATE:

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IRINA TENTSER

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.