

**BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA**

**In the Matter of:**

**CLAIMANT**

**vs.**

**EASTERN LOS ANGELES REGIONAL CENTER,**

**Service Agency.**

**OAH No. 2022020864**

**DECISION**

Naki Margolis, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by videoconference on June 16, 2022.

Toni DeAztlan, Attorney at Law, represented Claimant. Claimant's name is not used in order to protect his privacy rights.

Aaron Abramowitz, Attorney at Law, represented Eastern Los Angeles Regional Center (Regional Center or Service Agency).

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision on June 16, 2022. At the hearing, it was ordered

that in any transcript of the June 16, 2022 hearing, the name of Claimant shall be replaced with the word "Claimant" or his initials.

## **ISSUE**

Does the Lanterman Developmental Disabilities Services Act (Lanterman Act) require that Service Agency fund an additional 185 hours per month of Independent Living Skills (ILS) services by vendor PALS LLC (PALS), payable at the ILS standardized rate, and terminate 185 hours per month of Personal Assistant (PA) services provided by vendor Cambrian Homecare (Cambrian)? (Claimant originally requested funding for 210 additional monthly hours of ILS services, but modified the request at hearing.)

## **EVIDENCE RELIED UPON**

Documentary: Service Agency's Exhibits 1 through 8, 10, and 11; Claimant's Exhibits A, C, D, and L.

Testimonial: Sarah Koren, Supervisor, Service Agency; Michael Hernandez, Operations Manager, Cambrian; Claimant; and Rodney Mojarro, Chief Executive Officer and Director of Services, PALS.

## **SUMMARY**

Claimant seeks to have Service Agency transfer 185 hours per month of PA services with Cambrian to vendor PALS and convert such hours to ILS services payable at the ILS standardized rate.

Claimant failed to present proof to demonstrate by a preponderance of the evidence that the PA hours provided by Cambrian should be replaced with ILS hours provided by PALS. Therefore, this appeal is denied.

## **FACTUAL FINDINGS**

### **Jurisdiction**

1. Claimant is a 61-year-old man. He qualifies for regional center services under a diagnosis of mild intellectual disability and epilepsy.

2. On December 22, 2022, Claimant, through Ms. DeAztlan, requested that Regional Center stop paying Cambrian for PA services, use PALS for all of Claimant's services except for the hours funded by In-Home Support Services (IHSS), and pay PALS at the standardized ILS rate.

3. On January 19, 2022, Service Agency sent Claimant a Notice of Proposed Action (NOPA) denying his request. The NOPA explained that the Service Agency did not agree that Claimant needs ILS services in place of PA services or that PALS should replace Cambrian. In addition, Service Agency explained it was not cost-effective to replace PA services with ILS services because PA services effectively accomplish the goals in Claimant's individual program plan (IPP) less expensively.

4. On January 26, 2022, Claimant timely filed a request for a fair hearing, appealing the denial.

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## **Claimant's September 2021 IPP**

5. According to Claimant's September 2021 IPP, in addition to borderline intellectual functioning and seizure disorder, Claimant has Congenital Encephalopathy, Schizophrenia, Diabetes Mellitus, Hyperlipidemia, Hyperhomocysteinemia, and Hypertension. Claimant is able to tend to his self-care and personal hygiene with verbal reminders and prompting. Claimant needs assistance to dress appropriately for the weather. He requires verbal reminders and prompting to complete his personal hygiene. He requires some physical assistance with nail clipping. He requires prompting to clean his apartment and take out the trash. Claimant requires supervision and prompting to do his laundry. Claimant needs support and assistance with meal planning, grocery shopping, meal preparation, and cooking. Claimant needs support with money management and budgeting. Claimant also needs support to manage his medications.

6. Claimant requires constant supervision to prevent any injury or harm in all settings. He lacks safety skills and is unaware of his surroundings. Claimant has set things on fire by leaving them on the stove too long. Claimant is a rapid eater, overfills his mouth, has swallowing difficulties due to his seizure disorder, and coughs during meals. Claimant elopes from his home and into the street when he imagines someone is outside of his residence. Claimant is subject to exploitation in that he may enter a stranger's vehicle if asked to do so. Claimant gets dressed in the middle of the night to start his day. While Claimant has a driver's license and is able to drive, he gets lost and needs someone in the car with him.

7. The September 2021 IPP describes Claimant's needs, sets forth specific goals, and identifies the services and supports to achieve the goals. (Ex. 6.) The relevant goals listed in the IPP are as follows: (1) Claimant will continue to reside

independently with 250 hours per month of IHSS services, and Regional Center funding for 310 hours per month of ILS services with PALS, and 210 hours per month of PA services through Cambrian, with the ILS and PA services to be reviewed every six months; and (2) Claimant will be as independent as possible by continuing to perform all self-help tasks with prompts and assistance. According to IPP progress reports dated December 21, 2021 and March 30, 2022, Claimant has made reasonable progress on the relevant goals listed in the IPP.

## **Current Services**

8. Since September 14, 2021, the date of Claimant's most recent IPP, PALS provided ILS services to Claimant from 8:20 am to 5:00 p.m. Monday through Friday. Beginning in April 2021, Cambrian provided services to Claimant from 5:00 p.m. to 10:00 p.m., Monday through Friday, and 7:00 a.m. to 7:00 p.m. on Saturday and Sunday.

## **ILS Services**

9. ILS services provide functional skills training to adult consumers who have basic self-help skills or who have attendant care and require additional skills to live independently in their home. Training areas may include cooking, cleaning, menu planning, meal preparation, shopping, and money management. (Ex. 5.)

10. On September 22, 2016, Service Agency, Claimant, and Claimant's mother held an IPP meeting in which they agreed that one of Claimant's goals was to learn to manage his expenses and medical needs while living in the family home, and that Claimant needed ILS services to support development of his independence. Subject to its policy and procedures, Service Agency agreed to fund ILS services provided by PALS pending an assessment by PALS. (Ex. 3.)

11. On November 7, 2016, PALS completed an ILS assessment for Claimant and recommended 190 hours per month of ILS services to achieve the following goals: (1) Claimant will make his own decisions and effectively communicate his wants and needs with others (Autonomy); (2) Claimant will advocate for himself in his personal choices (Self-Advocacy), (3) Claimant will be prompted to participate in the organization of his home and daily life (Domestic Skills); (4) Claimant, with support, will shower and practice personal hygiene on a daily basis (Self-help); (5) Claimant, with support, will participate in managing his personal finances (Personal Finances); (6) Claimant, with support, will establish and maintain good standing with all tenant/Housing Authority related correspondent (Housing); (7) Claimant will achieve and maintain good health (Health); (7) Claimant, with support, will be involved in seeking Generic Resources (Generic Resources); (8) Claimant, with assistance, will be engaged in mutually beneficial relationships (Relationships/Community Integration); (9) Claimant, with assistance, will learn how to maximize his safety to ensure his well-being (Safety); (10) Claimant will participate in educational courses and gain employment (Education/Career/Employment); and (12) Claimant will maintain his driving privileges (Mobility.) (Ex. 3.)

12. In subsequent communications with Service Agency, PALS provided the following estimate of the number of ILS service hours per month needed for the specific goals: 44 hours for Domestic Services; 15.5 hours for Self-help; 15.5 hours for Personal Finances; 4 hours for Housing; 40 hours for Health; 8 hours for Generic Resources; 36 hours for Relationships/Community Integration; 2 hours for Safety; 21.6 hours for Education/Career/Employment; and 5 hours for Mobility. According to PALS, the Autonomy and Self-advocacy goals were part of all activities and did not require a specific dedicated number of hours. (Ex. 3.)

13. After receiving PALS' November 2016 assessment, Service Agency deemed 190 ILS hours excessive because the recommended hours included too many supervision hours rather than hours for training to teach skills, and because two of the goals in PALS' assessment (Housing and Mobility) were not included in Claimant's IPP goals. (Ex. 3.) On December 19, 2016, Service Agency issued a NOPA memorializing its offer of 100 hours per month of ILS services. On December 31, 2016, Claimant's attorney filed a Fair Hearing Request, which was received by Service Agency on January 3, 2017.

14. On February 16, 2017, a fair hearing was held on Claimant's appeal from Service Agency's NOPA. In a March 1, 2017 decision (Decision), an administrative law judge (ALJ) entered an order providing that Service Agency was not required to fund 190 hours per month of ILS services, and that it should fund 100 hours per month of ILS services. (Ex. 3, p. A12.) The ALJ found that "the assessment proposes more assistance or supervision hours" than "is contemplated by [Welfare and Institutions Code] section 4688.05 and [California Code of Regulations (CCR)], title 17, section 54302 for ILS services". (Ex. 3, p. A11.) The ALJ also noted that "since Claimant has not previously received ILS services, review of his continued level of support in the near future is appropriate . . . [and] it may be appropriate for the parties to explore if Claimant needs other services such as personal assistant services . . . in addition to or lieu of ILS services." (*Id.*) Following the decision, PALS began providing ILS services to Claimant. PALS' ILS services provide training to Claimant on goals of domestic skills, personal finances, housing, health, self-care, generic resources, community integration and safety/emergency preparedness. (Ex. 6.)

15. Richard Mojarro of PALS testified at hearing that he has known Claimant since 2015, when Claimant was living at home with his parents and Claimant's mother

was his caregiver. In January 2018, Claimant's mother died. PALS helped Claimant transition to an apartment with a roommate. When that property was sold, PALS helped Claimant move into a one-bedroom apartment on July 15, 2021, where he currently lives alone. At hearing, Mr. Mojarro demonstrated a very detailed knowledge of Claimant's needs.

16. In addition to training, Mr. Mojarro explained, there is a support component to ILS. For example, Claimant feeds himself, but PALS prepares food for Claimant, who has diabetes. Claimant dresses himself, but PALS prompts him on what would be appropriate clothing to wear. Claimant bathes himself, but PALS prompts him on when to bathe. Mr. Mojarro testified that Claimant likes to participate in decisions and does so when PALS staff is there. To explain why 15.8 hours per day of ILS services are needed for Claimant, in Mr. Mojarro's opinion, Claimant's need and desire to participate in decision making does not cease after 5:00 p.m. Monday through Friday or on the weekends. Mr. Mojarro never explained how the proposed, additional ILS hours would be distributed among the goals in the IPP.

17. According to Service Agency supervisor Sarah Koren, it is not cost-effective to replace PA services with ILS services, which are more expensive. Ms. Koren agrees that Claimant requires 24 hours per day supervision. ILS services are functional skills training which teach skills to consumers to help them live more independently. Ms. Koren does not believe that over 15 hours per day of ILS services or functional skills training is needed.

18. Claimant's last ILS assessment was in November 2016. In an ILS assessment, the ILS provider measures the progress made and sets quantitative benchmarks for achievements within a certain timeframe. There is typically a six-month authorization for ILS services. PALS' ISP dated December 29, 2021 does not provide

the information required in an ILS assessment. Ms. Koren has seen no ILS assessment from PALS that quantifies 15.8 hours per day of functional skills training for Claimant by specifying the number of hours per day for each goal in the IPP. There was no evidence of an ILS assessment by PALS which provides the information needed for an assessment.

## **PA Services**

19. PA services provide supervision, assistance, and support to the consumer, often to protect a consumer's health and safety, but do not help the consumer develop skills. PA services are appropriate when the consumer requires prompts to complete tasks. (Ex. 4, p. A15.) Ms. Koren explained that PA services provide supervision and support to Claimant, including prompts, in the same areas that ILS provides training, such as meal preparation, cooking, cleaning, shopping, and money management. Claimant lacks safety skills and is not aware of his surroundings. Claimant requires some PA services for his health and safety. (Factual Findings 5, 6, and 29.) Mr. Mojarro never explained why PA services were not appropriate to help Claimant achieve the goals in his IPP by providing support, supervision, and prompts. PALS does not provide PA services.

20. Cambrian's Operations Manager, Michael Hernandez, explained that Cambrian provides supervision and companionship to Claimant and keeps Claimant safe. Mr. Hernandez described Cambrian's procedures, its monthly schedule for Claimant, and a general overview of Cambrian's services. Mr. Hernandez did not know some details about the services Cambrian provided to Claimant, such as whether Cambrian staff assisted Claimant with bathing. Mr. Hernandez also did not know that Claimant had schizophrenia, raising a question as to the pertinence of some of his testimony.

21. Mr. Hernandez testified that Cambrian began providing PA services to Claimant in April 2021. Cambrian's schedule shows that Cambrian staff cancelled nine visits to Claimant out of 411 scheduled visits over the course of 13 months, from April 2021 to May 2022. (In its schedule, there is no entry for April 4, 2022 which has not been counted as a cancellation or as a scheduled visit.)

22. Sometime after December 22, 2021, Ms. Koren recalls speaking to Claimant twice about his preference for service providers. Claimant did not understand that PA services were different than ILS services. According to Ms. Koren, after she explained the differences, Claimant told Ms. Koren that he was fine with the two kinds of services and that he enjoyed his Cambrian staff. Service Agency offered Claimant a change in PA services providers, rather than eliminate PA services in favor of additional ILS services. Claimant chose to wait for the outcome on this hearing.

23. A typewritten statement dated May 24, 2021, is attached to PALS' progress report dated May 19, 2021, to support PALS' assertion that Claimant is asking that Cambrian services be transferred to PALS. (Ex. D., p. B112.) Ms. Koren does not remember reviewing the typewritten statement dated May 24, 2021, after she assumed her duties as a supervisor in August 2021. The circumstances under which the typewritten statement was prepared and Claimant's signature was obtained are not reflected in the record. In addition, the statement is dated May 24, 2021, slightly over a month after Cambrian began providing services to Claimant and had cancelled only two out of 43 scheduled sessions, and thus is not a current statement of Claimant's assessment of Cambrian. As such, the statement is not given much weight.

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## **Comparing the Requested ILS Services and Claimant's PA Services**

24. In the appeal, Claimant requests that Service Agency transfer 185 hours per month of PA services provided by Cambrian to PALS and convert them into ILS services provided by PALS. Thus, Claimant is requesting over 15 hours per day of ILS services from 8:20 a.m. to midnight each day. In its ISP dated December 29, 2021, PALS did not break down the proposed ILS hours per day to show how much time was allocated to each goal in the IPP. In support of the request for additional ILS hours, PALS stated in its ISP that Claimant requires consistent direction, prompting, and training to initiate and complete tasks. PALS also stated that Claimant "no longer wants to receive services from Cambrian . . . [and] is seeking 24-hour support from PALS in order to maintain an independent lifestyle." (Ex. 8, p. A42.)

25. At hearing, Claimant testified briefly, appeared confused, and changed his answers a couple of times with respect to his preferences regarding PALS and Cambrian. In response to leading questions from Ms. DeAztlan, Claimant agreed with what Ms. DeAztlan asked him, and testified that he likes PALS services more than Cambrian services and would like his Cambrian services transferred to PALS. (Ms. DeAztlan is the attorney for Claimant in this proceeding. In the NOPA dated January 19, 2022, it is stated that Ms. DeAztlan is also an attorney for PALS, which raises issues of a conflict of interest.)

26. Claimant also testified that he never asked his service coordinator at the Service Agency, Laura Linnemann, to switch from Cambrian to PALS. Claimant testified that PALS does a good job and is always on time. When asked about his schedule, Claimant testified that he wakes up at 7:00 a.m., and goes to sleep at 10:00 p.m. He likes to watch crime stories on television. Following the close of testimony, Ms.

DeAztlan reduced the number of hours of ILS services requested by Claimant from 210 to 185 hours per month.

27. Claimant's testimony that he prefers PALS to Cambrian is credited because it is consistent with his other statements as recorded in reports of IPP progress meetings. At an IPP progress report meeting held on December 21, 2021, Claimant stated he did not want to work with Cambrian because one staff member was always on her telephone. In Service Agency's visit to Claimant on December 22, 2021, Claimant stated that Claimant liked his PALS staff, and Cambrian staff did not do as much as PALS staff did. In an IPP Progress Report meeting on March 30, 2022, Claimant stated his preference for having PALS provide services rather than Cambrian.

28. At the December 21, 2021 IPP progress report meeting, Claimant also, according to Mr. Mojarro, said Cambrian staff failed to appear when scheduled, did not speak English, and were sometimes unfamiliar to Claimant. Mr. Mojarro testified that Claimant had expressed these same concerns to him outside of the meeting. Mr. Mojarro's account of what Claimant said at the IPP progress meeting differed from what is stated in the IPP progress report. The IPP progress report account of what Claimant said is credited. As the Director of Services and CEO of PALS, Mr. Mojarro has an interest in the matter.

29. In a letter dated March 8, 2022, Claimant's neurologist, Dale V. Di Stefano, M.D., who has treated Claimant since 1989, opined that "Richard will never be capable of independent living and in fact will always require the constant supervision of a caregiver, training and support." Dr. Di Stefano stated that Claimant "is incapable of reliably self-administering his multiple medications regularly, which poses quite a danger to him" due to his medical conditions. (Ex. L, p. B178.) Claimant's neurologist confirms that Claimant needs both PA and ILS services. In addition, no matter how

much training Claimant receives, he will be incapable of living independently without constant supervision (i.e., PA services.)

30. The evidence was insufficient to establish that 185 hours of PA services should be replaced with ILS services for three reasons. First, PA services are appropriate to provide support, supervision and prompting to assist Claimant to achieve the goals in his IPP and to keep him safe and healthy. Second, the authorized hours of PA services are cost effective in that, not only do they provide the support needed to help Claimant achieve the goals in his IPP, they are less expensive than ILS services. Third, Claimant failed to show that he needs additional ILS service hours over the 310 hours per month that he currently receives or that he needs such training for over 15 hours per day. Claimant does not need ILS training from 10:00 p.m. to midnight each day when he is sleeping and when he is watching television.

31. The evidence was also insufficient to show that Cambrian should be replaced by PALS because PALS does not provide PA services. If Claimant has further concerns with Cambrian's service, he may ask Service Agency to explore another PA vendor.

## **LEGAL CONCLUSIONS**

1. The Lanterman Act governs this case. (Welf. & Inst. Code, §§ 4500 et seq.) A state level fair hearing to determine the rights and obligations of the parties, if any, is referred to as an appeal of the service agency's decision. Claimant timely requested a fair hearing request and, therefore, jurisdiction for this case was established. (Factual Findings 3, 4.)

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2. The burden of proof is on the person seeking government benefits or services. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161.) The standard of proof in this case is the preponderance of the evidence because no law or statute (including the Lanterman Act) requires otherwise. (Evid. Code, § 115.) Preponderance of the evidence means evidence that has more convincing force than that opposed to it. (*Glage v. Hawes Firearms Co.* (1990) 226 Cal.App.3d 314, 324.)

3. In this case, Claimant requests Service Agency funding for additional ILS services hours beyond that which Service Agency currently funds. Therefore, Claimant has the burden of proving by a preponderance of the evidence that he is entitled to the requested services and funding. (See Evid. Code, § 500.)

### **Regional Center Responsibilities**

4. The Lanterman Act sets forth a regional center's obligations and responsibilities to provide services to individuals with developmental disabilities. As the California Supreme Court explained in *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 388, the purpose of the Lanterman Act is twofold: "to prevent or minimize the institutionalization of developmentally disabled persons and their dislocation from family and community" and "to enable them to approximate the pattern of everyday living of nondisabled persons of the same age and to lead more independent and productive lives in the community." Under the Lanterman Act, regional centers are "charged with providing developmentally disabled persons with 'access to the facilities and services best suited to them throughout their lifetime'" and with determining "the manner in which those services are to be rendered." (*Id.* at p. 389, quoting from Welf. & Inst. Code, § 4620.)

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5. The Legislature has placed "a high priority on providing opportunities for adults with developmental disabilities, regardless of the degree of disability, to live in homes that they own or lease with support available as often and for as long as it is needed, when that is the preferred objective in the individual program plan." (Welf. & Inst. Code, § 4689.) The services or supports provided are to be flexible and tailored to a consumer's needs and preferences. (Welf. & Inst. Code, § 4689, subd. (a)(6).) The living services and supports that may be provided include "daily living skills training and support" and "hiring individuals to provide personal care and other assistance". (Welf. & Inst. Code, § 4689, subd. (c).)

6. The determination of which services and supports the regional center shall provide is made "on the basis of the needs and preferences of the consumer . . . 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." (Welf. & Inst. Code, § 4512, subd. (b).) However, regional centers have wide discretion in determining how to implement an IPP. (*Association for Retarded Citizens, supra*, 38 Cal.3d at p. 390.)

7. When purchasing services and supports for a consumer, a regional center shall ensure, among other things, "[c]onformance with the regional center's purchase of service policies, as approved by the department [of Developmental Services] pursuant to subdivision (d) of Section 4434," and "[u]tilization of generic services and supports when appropriate." (Welf. & Inst. Code, § 4646.4, subd. (a)(1) and (2).)

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## **ILS Services**

8. Daily living skills training is a service that may be included in a consumer's IPP. (Welf. & Inst. Code, § 4512, subd. (b).) Regional centers shall provide ILS services to an adult consumer, consistent with his IPP, that provide the consumer with functional skills training that enables him to acquire or maintain skills to live independently in his home. (Welf. & Inst. Code, § 4688.05.) Functional skills are skills "which enable an individual to communicate, interact with others and to perform tasks which have practical utility and meaning at home, in the community or on the job". (CCR, tit. 17, §54302, subd. (a)(30).)

9. The purpose of ILS services is to provide functional skills training to developmentally disabled individuals and to provide the support necessary to maintain the skills. (Welf. & Inst. Code, § 4688.05 and CCR, tit. 17, § 54302.)

10. As stated in Service Agency's Purchase of Service Guideline: "ILS training focuses on teaching functional skills to adult consumers who generally have acquired basic self-help skills or who have attendant care and require additional skills to maintain themselves in their chosen living arrangement. Training areas may include, but are not limited to: cooking, cleaning, menu planning, meal preparation, shopping, money management . . ." (Ex. 5, p. A17.)

## **PA Services**

11. Personal care services may be included in a consumer's IPP. (Welf. & Inst. Code, § 4512, subd. (b).) Personal care services include assistance with bathing, oral hygiene and grooming, dressing, feeding, assistance with self-administration of medications, and ancillary services which are subordinate to personal care services. Ancillary services include "meal preparation and cleanup, routine laundry, shopping for

food and other necessities, and domestic services . . .” (Welf. & Inst. Code, § 14132.95, subd. (d).)

12. According to Service Agency’s Personal Assistant Services Information Sheet, “Personal Assistant (PA) services are defined as individualized assistance with activities of daily living (e.g., eating, bathing, dressing, personal hygiene, toileting, transferring, and maintaining continence care, etc.) PA is a service that directly benefits the consumer by providing support for the tasks previously mentioned due to the developmental disability. [¶] PA services are *not considered skill development services* (e.g., Social Skills Training, Adaptive Skills Training, Community Integration Training, Independent Living Skills, Safety and Supportive Living Skills, etc.)” (Ex. 4, p. A15, original italics.) In assessing whether PA services are needed, one question which is helpful to ask is whether the consumer requires prompts to complete tasks. (*Ibid.*)

## **Analysis**

13. Service Agency properly denied Claimant’s request for an additional 185 hours per month of ILS services by PALS. Claimant failed to prove by a preponderance of the evidence that he needs any additional hours of ILS services or that Service Agency is required to fund any such additional ILS services. The evidence shows that Claimant needs PA services for supervision, to assist him with tasks, and for his safety and health. (Factual Findings 5, 6, and 29.) Claimant is capable of self-help, but needs prompts or reminders to complete tasks. PA services are appropriate where a consumer needs prompts to complete tasks and are more cost-effective for that purpose than ILS services.

14. Claimant already receives functional skills training from PALS from 8:20 a.m. to 5:00 p.m. Monday to Friday. Claimant has failed to establish he needs

functional skills training from 5:00 p.m. to midnight Monday through Friday, and from 7 a.m. to 7 p.m. Saturday and Sunday. It is not reasonable to expect Claimant to benefit from functional skills training virtually every minute he is awake. Indeed, Claimant's neurologist stated that Claimant "will never be capable of independent living and in fact will always require the constant supervision of a caregiver, training and support." (Factual Finding 29.) A mix of PA services and ILS services is needed, and there is a limitation on Claimant's capacity to learn functional skills to attain independent living. Further, because Claimant goes to bed at 10:00 p.m., he does not need ILS services from 10:00 p.m. to midnight each night. Claimant also does not need functional skills training while he is watching television. (See Factual Finding 26.)

15. Claimant has also failed to explain how the additional 185 hours per month of ILS services would be allocated each day to specific goals in the IPP. Claimant has not provided evidence regarding how much time is needed to attain each goal, how many repetitions are required, or what Claimant's current capability or baseline is with respect to each goal in the IPP. (Factual Finding 18.)

16. Based on the record, the goals for Claimant have been the same since September 14, 2021, and Claimant has shown reasonable progress in achieving these goals. Claimant's last ILS assessment was in 2016. Claimant's circumstances have changed dramatically since then. Claimant may ask Service Agency to conduct a new ILS assessment and hold an IPP meeting to address the findings.

## **ORDER**

1. Claimant's request for an additional 185 hours per month of ILS services by PALS is denied.

2. If a transcript is prepared of the June 16, 2022 hearing on this matter, the name of Claimant shall be replaced with the word "Claimant" or his initials.

DATE:

NAKI MARGOLIS

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.