

**BEFORE THE  
DEPARTMENT OF DEVELOPMENTAL SERVICES  
STATE OF CALIFORNIA**

**In the Matter of:**

**CLAIMANT**

**and**

**SAN DIEGO REGIONAL CENTER,**

**Service Agency**

**DDS No. CS0024311**

**OAH No. 2025050180**

**PROPOSED DECISION**

Abraham M. Levy, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter at San Diego Regional Center (SDRC) on July 11, 2025.

Claimant represented himself.

Erik Peterson, Appeals and Resolutions Manager, represented SDRC.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on July 11, 2025.

## **ISSUE**

Can SDRC increase claimant's Self-Determination Program (SDP) budget based on the cost of Uber transportation?

## **FACTUAL FINDINGS**

### **Jurisdiction, Claimant's Individual Program Plan (IPP), and Amended IPP**

1. Claimant is an un-conserved 42-year-old male, who is eligible for regional center services under the category of epilepsy and cerebral palsy. He receives Social Security disability, Medi-Cal and Medicare, and 52 hours of In-Home Supportive Services (IHSS). Since January 1, 2023, he has been a participant in the SDP. His SDP plan includes funding Independent Living Services (ILS) through Adjoin, the vendor. His most recent IPP was in December 2024. His IPP was amended on March 18, 2025, after claimant's planning team met on January 22, 2025. His planning team determined that claimant requires rental assistance to allow him to reside independently in the community. According to his December 9, 2024, Amended IPP, claimant "recently moved" to the apartment.

2. His SDP budget was adjusted first on October 31, 2024, to \$46,063.28 from \$40,817.84 to add \$5,245.44 for transportation under service code 875. His budget was further adjusted on February 11, 2025, to add as a one-time purchase of \$48,000 (for a total budget of \$89,492.84) to add training of a specialty service dog to assist claimant as a matter of his health and safety due to his risk of falls. His balance risk is documented in the record, including a letter claimant submitted from a nurse

practitioner (NP) for this hearing. The NP asked that claimant's budget be increased to allow him to take Uber.

3. Claimant is the CEO and founder of a nonprofit organization to help persons with developmental disabilities. Per his IPP, claimant regularly engages in outreach activities and community events on behalf of his nonprofit organization, as well as supporting his clients with identifying and solving problems. SDRC recently vendorized his nonprofit organization as an independent facilitator to provide pre-enrollment support for persons enrolling in SDP.

4. By a Notice of Action (NOA) and letter dated May 1, 2025, SDRC informed claimant that it is denying his request to increase his SDP budget based on the total cost of Uber transportation. As reasons for its action, SDRC states in the NOA that since the January 1, 2025, budget year, claimant had not shown a change of circumstances, needs or resources. SDRC cites Welfare and Institutions Code section 4695.8 and the Department of Developmental Services' January 11, 2019, Directive. Claimant timely appealed SDRC's NOA.

### **Testimony of David Webb-Rex**

5. SDRC called David Webb-Rex as its witness. Mr. Webb-Rex is SDRC's SDP Program Manager. Mr. Webb-Rex's testimony is summarized as follows:

Mr. Webb-Rex stated that under claimant's SDP budget, transportation to work and community activities is budgeted in the amount of \$7,951, which includes the use of Uber two to three times per week in the amount approximately \$25 per trip. That budget, which SDRC certified on September 24, 2024, for the upcoming 12-month period includes a transportation voucher. Any amount of transportation that exceeds claimant's budget is claimant's responsibility or needs to be funded by generic

resources. Claimant was advised of this at his annual IPP meeting. Mr. Webb-Rex also advised claimant on October 30, 2024, that beginning on October 30, 2024, and into the next SDP budget, it is important that claimant follow a maximum for Uber utilization of \$200 per week to ensure his funds are not exhausted. Mr. Webb-Rex did not state how much claimant has been exceeding this sum through his use of Uber, and the record is thus not clear in this regard.

6. Mr. Webb-Rex further stated that it appears that claimant's nonprofit organization is responsible to fund some of the costs of his use of Uber. However, no evidence was offered regarding claimant's use of Uber in connection with his nonprofit organization specifically to assess his non-profit's responsibility.

7. In his testimony Mr. Webb-Rex referenced maps showing claimant's apartment and its proximity to public transportation including the trolley line. The map also shows that his apartment is located near two busy intersections and a freeway with an underpass. He suggested that claimant use Uber to get to public transportation as a cost-effective alternative.

## **Claimant's Testimony and Evidence**

8. Claimant testified he requires an increase in the SDP budget because of his balance problems and due to concerns about safety due to the neighborhood where he lives because a lot of homeless people live in his neighborhood. He testified that it is difficult for him to walk to the public transportation in his neighborhood due to his balance problems, and he has to cross two busy streets.

9. As mentioned, claimant submitted a May 23, 2025, letter from an NP who treats claimant. This NP notes the walk claimant must take to public transportation takes about 25 minutes, and in the NP's opinion taking Uber is the safest option

because claimant has an epilepsy disorder and suffered a compound lumbar fracture affecting his gait and balance. The letter from the NP includes images of claimant's lumbar spine that shows the placement of screws due to the fracture.

## **Stipulation**

10. During the hearing, claimant asked that SDRC meet with him to discuss his concerns regarding gaps as he sees them in his spending plans concerning his use of Uber. SDRC agreed to meet with claimant within 30 days of the date of this decision regarding this topic and to provide him with his spending plan documents.

## **LEGAL CONCLUSIONS**

### **Jurisdiction and Burden of Proof**

1. An administrative "fair hearing" to determine the respective rights and obligations of the consumer and the regional center is available under the Lanterman Act. (§§ 4700-4716.) Claimant has the burden of proving he is entitled to an increase in his SDP budget. (See, e.g., *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.) Claimant must prove his case by a preponderance of the evidence, which requires him to present evidence that has more convincing force than that opposed to it. (Evid. Code, § 115; *People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

## **The Lanterman Act and the SDP**

2. Under 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. (Welf. & Inst. Code, § 4520.)

3. The Legislature's intent in enacting the Lanterman Act was to ensure the rights of persons with developmental disabilities, including "[a] right to treatment and habilitation services and supports in the least restrictive environment. Treatment and habilitation services and supports should foster the developmental potential of the person and be directed toward the achievement of the most independent, productive, and normal lives possible." (Welf. & Inst. Code, §§ 4502, subd. (b)(1); 4640.7, subd. (a).)

4. Regional centers are responsible for conducting a planning process that results in an IPP. Among other things, the IPP must set forth goals and objectives for the client, contain provisions for the acquisition of services based upon the client's developmental needs and the effectiveness of the services selected to assist the consumer in achieving the agreed-upon goals, address the cost-effectiveness of the services and supports, contain a statement of time-limited objectives for improving the client's situation, and reflect the client's particular desires and preferences. (Welf. & Inst. Code, §§ 4646; 4646.5, subd. (a); 4512, subd. (b); 4648, subd. (a)(6)(D) & (E).) The IPP shall be modified by the planning team in response to the consumer's changing needs; if the consumer requests an IPP review, the IPP shall be reviewed within 30 days of the request. (Welf. & Inst. Code, § 4646.5, subd. (b).)

5. As of July 16, 2021, the Lanterman Act requires DDS to implement a statewide SDP available in every regional center "to provide participants and their

families, within an individual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement their IPP.” (Welf. & Inst. Code, § 4685.8, subd. (a).) The SDP is “a voluntary delivery system consisting of a defined and comprehensive mix of services and supports, selected and directed by a participant through person-centered planning (PCP), in order to meet the objectives in their IPP. Self-determination services and supports are designed to assist the participant to achieve personally defined outcomes in community settings that promote inclusion.” (Welf. & Inst. Code, § 4685.8, subd. (c)(6).)

6. For consumers participating in an SDP, the regional center’s IPP team must use a PCP process in the development of the participant’s IPP. Also, the IPP team must determine the individual budget available each year to the SDP participant to purchase services and supports necessary to implement the IPP. (Welf. & Inst. Code, § 4685.8, subd. (c)(3).)

7. Consumers in an SDP may only purchase services and supports necessary to implement their IPP. The services and supports must be eligible for federal financial participation. Participants may use services and supports available within the SDP only when generic services and supports are not available, and shall manage SDP services and supports within their individual budget. (Welf. & Inst. Code, § 4685.8, subds. (c)(6), (d)(3)(A-F), (e).) SDP participants may purchase services and supports from regional center vendors, as well as from nonvendors. (Welf. & Inst. Code, § 4685.8, subds. (b)(2)(B), (t).)

8. A copy of a spending plan, not to exceed the individual budget, detailing how funds will be used to purchase services and supports identified in the IPP, shall be attached to the participant’s IPP. (Welf. & Inst. Code, § 4685.8, subd. (c)(7).) An

independent facilitator, chosen by the participant, shall help the participant implement the participant's IPP and advocate for the participant in the PCP and IPP processes. (Welf. & Inst. Code, § 4685.8, subd. (c)(2).)

9. The individual budget may be adjusted (a) if the regional center's IPP team determines an adjustment is needed due to a change in the participant's needs or if prior needs were not addressed in the IPP, and (b) the IPP team documents the reason for the adjustment in the IPP and certifies that adjustments would have occurred regardless of SDP participation. (Welf. & Inst. Code, § 4685.8, subd. (m)(1)(A)(i), (ii)(I).) This latter provision explicitly makes applicable the general IPP requirement that services and supports for a consumer be cost effective. (Welf. & Inst. Code, §§ 4640.7, subd. (b), 4646, subd. (a), 4648, subd. (a)(6)(D).)

10. Pursuant to DDS's January 11, 2019, Directive, examples when an adjustment to the individual budget may be necessary include "recent/pending change in living situation."

## **Evaluation and Disposition**

11. Claimant established that a change of circumstance exists to warrant an adjustment in claimant's budget, specifically, an increase in funding transportation services such as Uber or Lyft, because effective the start of the year, he had a change in his living situation, namely, he moved into an apartment.

SDRC recognized this change of circumstance in the March 18, 2025, IPP addendum that added the training of a specialty service dog to help claimant remain independent and to ensure his health and safety. Claimant has problems with balance and gait that make walking the distance to public transportation difficult. As of the date of this decision, it appears the service dog is not available to claimant. Increasing



his transportation budget in an amount to be determined for claimant to utilize Uber, or a comparable transportation service, is consistent with, and is a cost-effective means of achieving claimant's IPP goals for independence and community integration. To accomplish this, SDRC shall promptly convene an IPP meeting where issues relating to his use of Uber or other transportation services may be addressed.

## **ORDER**

SDRC shall promptly convene an IPP meeting to modify the SDP budget and spending plan to increase claimant's transportation budget for his use of Uber or a comparable transportation service.

SDRC will also abide by its stipulation to meet with claimant within 30 days of the decision in this matter to discuss with him his concerns about any gaps in his spending plans concerning Uber or other transportation services and make available the spending plan documents to facilitate this discussion.

DATE: July 16, 2025

ABRAHAM M. LEVY  
Administrative Law Judge  
Office of Administrative Hearings

BEFORE THE  
DEPARTMENT OF DEVELOPMENTAL SERVICES  
STATE OF CALIFORNIA

In the Matter of:

Claimant

OAH Case No. 2025050180

Vs.

**DECISION BY THE DIRECTOR**

San Diego Regional Center,

Respondent.

ORDER OF DECISION

On July 16, 2025, an Administrative Law Judge (ALJ) at the Office of Administrative Hearings (OAH) issued a Proposed Decision in this matter.

The Department of Developmental Services (Department) takes the following action on the attached Proposed Decision of the ALJ: After a full and independent review of the record in this case, and for the reasons explained below, the attached Proposed Decision is REJECTED in part and ADOPTED in part as follows:

1. The ALJ's ruling that San Diego Regional Center (SDRC) shall promptly convene an Individual Program Plan (IPP) meeting to modify the Self Determination Program (SDP) budget and spending plan to increase claimant's transportation budget for his use of Uber or a comparable transportation service is REJECTED. Welfare and Institutions Code Section 4685.8, subdivision (m)(1)(A)(i), requires a change in circumstance, needs, or resources to warrant an adjustment in claimant's SDP budget. Claimant established a change in circumstances in that he moved to a new apartment building. However, claimant failed to establish why his existing Uber budget could not address this change of circumstances. Furthermore, claimant did not establish why his nonprofit organization could not fund the costs of claimant's use of Uber for outreach activities and community events on behalf of the nonprofit organization, as claimant must exhaust generic services and supports before utilizing SDP funding. Therefore, claimant failed to demonstrate by preponderance of evidence that his change in circumstances warranted an increase in claimant's SDP budget for transportation costs.

2. The ALJ's ruling that SDRC will abide by its stipulation to meet with claimant within 30 days of the Decision in this matter to discuss with him his concerns about any gaps in his spending plans concerning Uber or other transportation services and make available the spending plan documents to facilitate this discussion is ADOPTED. The Order of Decision, together with the Proposed Decision, constitute the Decision in this matter.

This is the final administrative Decision. Each party is bound by this Decision. Either party may request a reconsideration pursuant to Welfare and Institutions Code section 4713, subdivision

(b), within 15 days of receiving the Decision or appeal the Decision to a court of competent jurisdiction within 180 days of receiving the final Decision.

Attached is a fact sheet with information about what to do and expect after you receive this decision, and where to get help.

IT IS SO ORDERED on this day August 8, 2025.

Original signed by:  
PETE CERVINKA  
Director