

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

**In the Matter of:**

**CLAIMANT**

**and**

**EASTERN LOS ANGELES REGIONAL CENTER,**

**Service Agency.**

**DDS No. CS0031124**

**OAH No. 2025101171**

**PROPOSED DECISION**

Jennifer M. Russell, Senior Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter in Alhambra, California on March 26, 2026.

Victor Mercado, Appeals Specialist, represented Eastern Los Angeles Regional Center (ELARC or service agency). Mother, with the assistance of a Spanish language interpreter, represented Claimant, who was not present. Mother and Claimant are not specifically identified to preserve their privacy and maintain confidentiality.

Maria Cañas, Client Service Supervisor, testified on behalf of the service agency. Mother, Claimant's Community Integration Training (CIT) service provider, Personal Assistant (PA) service provider, and Adaptive Skills Training (AST) service provider testified on behalf of Claimant. The service agency's Exhibits 1, 2, and 4 through 15 were admitted in evidence. The service agency's Exhibit 3 was marked for identification only. Claimant submitted a packet of documents, which are duplicative of Exhibit 13 and Exhibit 14 and therefore not separately marked for identification or admitted in evidence.

## **ISSUE FOR DETERMINATION**

Whether the terms of a June 13, 2023 Notice of Resolution (NOR) obligate ELARC to reimburse Mother for transportation mileage incurred in connection with the delivery of CIT, AST, and PA services to Claimant.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. By Notice of Proposed Action (NPA) dated September 11, 2025, ELARC denied "funding for mileage reimbursement to the parent for activities provided by the Adaptive Skills Training provider or those that should be covered by the Community Integration provider." (Exh. 2.) The September 11, 2025 NPA's stated reasons for the proposed action are that "[o]n June 13, 2023[,] a notice of resolution was signed in which ELARC agreed to fund mileage reimbursement for activities related to documented needs. The agreement did not include all trips in the community that the service providers can cover." (Exh. 2.)

2. On October 17, 2025, Mother filed a Fair Hearing Request.
3. All jurisdictional requirements are met.

## **Claimant's Background**

4. Claimant is a 29-year-old conserved male consumer of ELARC with a qualifying diagnosis of Autism Disorder. Claimant additionally presents with a diagnosis of Apraxia of Speech. Claimant uses an iPad with a Proloquo2go program to communicate. Claimant resides with Mother, who serves as his conservator.

5. On June 13, 2023, after an informal meeting, Mother, acting on Claimant's behalf, withdrew an appeal in DDS case number CS0004288 and entered with ELARC a resolution providing, among other things, the following:

Transportation reimbursement services to be implemented for Claimant's known location provided by Mother.

Transportation to be used for locations related to Claimant's services and related IPP goals/documentated needs. (Mother will provide transportation information required for billing purposes per policy. Mother will update ELARC with changes in transportation locations to update billing)[.]

(Exh. 13.)

6. On September 17, 2024, after an informal meeting, Mother, acting on Claimant's behalf, withdrew an appeal in DDS case number CS0019572 and entered with ELARC a resolution agreement providing, among other things, the following:

ELARC will fund mileage reimbursement for [Claimant] to go from his home to meetings at ELARC and then from ELARC back home. ELARC to fund mileage reimbursement when [Claimant] attends Self[-]determination meetings.

(Exh. 14.)

7. The facts and circumstances of the appeals underlying the NORs discussed in Factual Findings 5 and 6 were not disclosed at hearing. As stated in Factual Finding 1, ELARC expressly invokes the June 13, 2023 NOR as its justification for declining to reimburse Mother for transportation mileage.

### **Transportation Needed for Claimant's IPP-Documented Services**

8. Claimant's January 15, 2025 Individual Program Plan (IPP), as amended on July 8, 2025, is valid through July 8, 2026. The IPP Amendment notes Claimant is "in the process of transitioning to Self-Determination [Program (SDP)]." (Exh. 4 at p. 3 [A11].) At hearing, Mother testified Claimant is not an SDP participant.

9. Currently, ELARC funds, among other services, 40 hours of CIT services through Designated Exceptional Services for Independence (D.E.S.I.); 139 hours of PA services through Premier Health Care Services every six months; and 48 hours of AST services through Roman Empire Living Skills Inc. (Roman Empire) every six months for Claimant.

10. CIT services are intended to support Claimant's safety and wellness, communication skills, and social functioning. According to his IPP Amendment, Claimant "can display negative behaviors and is able to receive support from CIT

program to reduce behaviors through desire[d] behavior modeling.” (Exh. 4.) The IPP Amendment elaborates as follows:

[Claimant] continues to display behavior problems and can be unpredictable. During CIT engagement, [Claimant] can oftentimes misread friendliness from females and gets overly excited. He also tends to want to grab females he likes. Usually, he simply smiles at them and gives them a thumbs up. [Claimant] is more prone to having these behavioral issues when the females are pretty and of Asian descent. Because [Claimant] is also unable to communicate when he is angry, his CIT coaches have been very observant of his body language and have continuously asked him how he feels about the environment. He communicates with them by nodding, thumbs up and down.

(Exh. 4 at p. 12 [A20].)

11. At hearing, Claimant’s CIT service provider testified, “I do not provide transportation. I don’t drive. . . . When I work with [Claimant], we have a meeting point. [Mother] does drop-offs and pick-ups. I do different activities. I call her to say where to meet.” Claimant’s CIT service provider affirmed having Claimant exercise at Griffith park and the mountains because “ it is better for him to have inclines . . . more resistance.” Responding to the question whether there are other parks with similar inclines, Claimant’s CIT service provider stated, “There is no limit where I can take him. . . . I take him where I think he can do good. They never put a limit on where.”

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12. PA services are intended, among other things, to support Claimant “during community outings per [M]other’s scheduling request.” (Exh. 4 at p. 10 [A18].) At hearing, Claimant’s PA service provider testified that Claimant “is hyperactive” and she has “to be careful he doesn’t touch another person.” Claimant’s PA service provider’s testimony regarding her use of public transportation when working with Claimant was inconsistent. On one hand she testified she infrequently uses public transportation with Claimant while testifying on the other hand that she takes him into the community by public transportation. Regardless, Claimant’s PA service provider does not use her vehicle for transportation when delivering PA services to Claimant because she lacks full insurance coverage.

13. AST services “provide [Claimant] with learning opportunities such as learning how to access community. [Claimant] is also learning self-care skills and activities of daily living.” (Exh. 4 at p. 10 [A18].) Claimant’s AST program through Roman Empire teaches him “how to prepare meals and management food, self-care and housekeeping, and how to access community resources.” (Exh. 4 at p. 11 [A19].) At hearing, Claimant’s AST service provider testified Claimant “likes to be in the community.” Claimant’s AST service provider explained he starts his services for Claimant at Claimant’s home and then walks or uses public transportation to access the community with Claimant. He explained his concern for his and Claimant’s safety in a car stating that when Claimant becomes anxious because of certain noises or smells, Claimant “gets uncomfortable and looks for a way out. . . . I never travel with [Claimant] in my vehicle alone. I always use public transportation.” He explained, however, that public transportation is “not always comfortable for Claimant.”

14. The IPP Amendment documents that “Mother reports she transports [Claimant] to all locations of interest. [Claimant] is not able to take public

transportation or ACCESS as he needs PA or someone to be with him. . . . Mother reports she transports [Claimant] and ELARC services support meet [Claimant] at location depending on activity.” (Exh. 4 at p. 15 [A23].) The testimony of Claimant’s CIT and PA service providers corroborates Mother’s report to ELARC that she transports Claimant to meeting locations in the community where, as discussed, certain of his IPP-mandated services are delivered to him. In addition, Mother offered in evidence a chart documenting, for example, several occasions in May 2025 when she transported Claimant to Griffith Park, La Tuna Canyon Trail, an unidentified mall, an IHop restaurant, a medical office, and their home in connection with “Skills Training.” The mileage reflected on the chart totals 170.5. (Exh. 15.)

15. The IPP Amendment further documents “What Needs to Be Done” regarding Claimant’s transportation needs as follows:

[Claimant] can benefit from services engagement with transportation support. . . . [Claimant] needs to continue transportation support until he is able to be more independent. Mother provides most of [Claimant’s] transportation needs. Mother to be reimbursed for transportation support through FMS [Financial Management Services, a professional fiscal/employment service available to consumers to assist with the administration of vendored service providers].

1. [Claimant] will continue to receive transportation support.
2. ELARC will reimburse transportation support per NOR.

(Exh. 4 at p. 15 [A23].)

## **ELARC's Position**

16. An enumerated goal in Claimant's IPP Amendment labeled "Outcome #8: [Claimant] will travel within the community through 1/31/2026" provides the following:

[Claimant's] Part will be:

- 1) Request assistance with transportation as needed.
- 2) Travel in a safe manner when traveling in the community.
- 3) Access generic resources for transportation.

From family, friends and community:

- 1) Family will assist consumer in accessing transportation services.

From support service agencies:

- 1) ELARC will refer family to transportation resources as needed.
- 2) ELARC to fund for Transportation after all generic resources have been explored, to be reviewed annually.

(Exh. 5 at p. 6 [A30].) Based on the terms of "Outcome #8," ELARC asserts Claimant is required to access generic resources to meet his transportation needs.

17. ELARC further asserts the design of Claimant's CIT services includes trained providers who are knowledgeable about and capable of instructing Claimant on "transportation options" available to Claimant, which include "MTA, Metro Access,

Dail-A-Ride, Private transportation, etc.” (See Exh. 6 at p. 22 [A55].) ELARC additionally maintains the design of Claimant’s AST services encompasses transportation assistance as well as instruction in mobility skills “using the most accessible public transportation available” where Claimant resides and in Claimant’s natural community environments. (See Exh. 8 at pp. 3 and 13 [A86, A96].)

18. At hearing, Ms. Cañas, ELARC’s Client Service Supervisor, highlighted a June 1, 2025 Progress Report, prepared by Roman Empire and entered in evidence as Exhibit 9, to maintain Claimant has been “making progress, including taking short walks within the community and learning routes.” In pertinent part, the June 1, 2025 Progress Report states:

**Current Status:** . . . Currently, the Educator is assisting the consumer on learning routes and shadowing him at least once a week to ensure that he can explore his community safely without getting lost. By this happening, the consumer reveals progress by navigating through his community effectively.

**Previous Status:** . . . [Claimant] needs support[.] Claimant and Educator will utilize public transportation to go to and from desired destination. Educator and [Claimant] work on looking on “Go Metro Planner” on internet to plan bus routes to and from desired destination indicating bus stops, times for pick up and departures, bus numbers etc. . . . [Claimant] and Educator work on knowing there are other options to utilize for transportation. Educator stated [Claimant] is going o hikes more without complaining to

[sic] much. Educator will continue to support [Claimant] in this domain until mastered on his own.

(Exh. 9 at p. 5 [A122].)

19. Ms. Cañas additionally invoked provisions of ELARC’s Purchase of Service Guideline mandating delivery of services and supports to consumers, including Claimant, in a cost-effective manner and denoting circumstances when ELARC is permitted to make an exception. For example, in pertinent part, ELARC’s Purchase of Service Guideline states:

Person Centered Principles in the [IPP] process are at the heart of the regional center’s function to plan for and meet the needs of the consumer and his/her family using all alternative funding sources available whenever possible, and purchasing cost-effective services. The regional center’s service coordination function focuses on opportunities for integration into community life, opportunities for work, for play and for social activities in natural settings with non disabled peers, whenever possible. The IPP . . . will therefore be sensitive to quality of life issues (WIC Sections 4646.5. 4648).

Priority shall be given to those services that promote consumer choice and empowerment, provide integration into mainstream community life with emphasis on opportunity for interaction with non-disabled peers and provide unpaid natural support whenever possible (WIC

4688(b)(5), 4689c, 4512(e), 4646.5(a)(4) & 4648(a)(b)(c).

[¶. . . ¶]

This policy statement shall be applied along with specific standards for each category of service. . . . Exceptions to the Purchase of Service of Policy or the service category may be granted on an individual basis, given extraordinary circumstances.

(Exh. 11 at pp. 4-6 [A134-A136].)

20. ELARC's specific standards for the purchase of transportation services provide, in pertinent part, the following:

Transportation may be defined as the means by which an individual travels to services identified and documented in the . . . IPP. ELARC transportation assistance may consist of identification, arrangement, and purchase of public or private modes of travel to enable consumers to obtain needed services. [¶. . . ¶]

The need for the transportation service must relate directly to the presence of a developmental disability and the need for such a service must be documented in the IPP . . . . [¶. . . ¶]

The amount of [transportation services] assistance is determined on an individual basis, using the most cost-effective means available. [¶. . . ¶]

Natural supports, generic resources, mobility training, and public transportation must first be explored and utilized, if appropriate. If after assessing the individual's ability to use alternative transportation, the planning team determines

(Exh. 12 at pp. 1-4 [A137-A139].)

21. Ms. Cañas opined transportation services are embedded in the design of Claimant's CIT, PA, and AST services. Thus, ELARC's Purchase of Service Guideline and its specific standards for the purchase of transportation services preclude mileage reimbursement for any travel allegedly done in connection with the delivery of those services to Claimant on grounds of cost-inefficient duplicative funding. Ms. Cañas further opined that Claimant's travel to destinations denoted as "IHop" and "LA Tuna Trail" constitutes travel to "locations not near [Claimant's] community" or "locations not documented in the IPP." Ms. Cañas opined that funding the cost of any mileage associated with that category of travel is therefore impermissible.

22. The evidentiary record does not substantiate Ms. Cañas duplicative funding concerns. As discussed above, although instruction regarding transportation services and assistance are embedded in the design of Claimant's CIT, PA, and AST services, Claimant's CIT and PA service providers do not transport Claimant when delivering those services. Although Claimant's AST service provider testified about traveling with Claimant using public transportation during delivery of AST services (see Factual Finding 13), ELARC has offered no persuasive evidence that Mother claimed mileage reimbursement for those situations.

23. The IPP Amendment reports Claimant "enjoys staying active and exploring his community" or "walks to access his community" or "likes to stay active

and out in the community” or “likes to go [to] the beach” or “likes being out in the community to visit the store, take a walk, and explore other places of interest.” Contrary to Ms. Cañas’ view, Claimant’s IPP Amendment does not document, enumerate, or otherwise limit the community or locations in which Claimant’s CIT, PA, or AST services are to be delivered to Claimant.

### **Claimant’s Position**

24. On Claimant’s behalf, Mother maintains the terms of the June 13, 2023 NOR discussed in Factual Finding 5 are incorporated by reference into Claimant’s IPP Amendment, as discussed in Factual Finding 15. Mother therefore contends ELARC is obligated to reimburse Mother for transportation mileage incurred in connection with the delivery of CIT, AST, and PA services to Claimant.

## **LEGAL CONCLUSIONS**

### **The Applicable Law**

1. Under the Lanterman Developmental Disabilities Services Act (Lanterman Act), regional centers, including FDLRC, play a critical role in the coordination and delivery of treatment and habilitation services and supports for persons with disabilities. (Welf. & Inst. Code, § 4620 et seq.) Such services and supports include transportation services necessary to ensure delivery of services to persons with developmental disabilities. (Welf. & Inst. Code, § 4512, subd. (b).) Regional centers, including ELARC, are responsible for ensuring the provision of treatment and habilitation services and supports to individuals with disabilities and their families effectively meets stated IPP goals. Regional centers, including ELARC, are additionally

responsible for the cost-effective use of public resources. (Welf. & Inst. Code, §§ 4646, subd. (a), 4646.5, subd. (a)(4), 4647, subd. (a), and 4648, subd. (a)(8) & (9).)

2. To those ends, the Lanterman Act specifically obligates regional centers, including ELARC, to purchase services and supports in conformity with their purchase of service policies approved by the Department. (Welf. & Inst. Code, § 4646.4, subd. (a)(1).) The Department reviews regional centers' guidelines "to ensure compliance with statute and regulation" prior to promulgation of the guidelines. (Welf. & Inst. Code, § 4434, subd. (d).) The guidelines are deserving of deference because they reflect the regional center's expertise and knowledge. (See *Yamaha Corp. of America v. State Bd. of Equalization* (1998) 19 Cal.4th 1, 12-15.) Importantly, guidelines regional centers promulgate, including ELARC, must account for consumers' individual needs when making eligibility determinations for services and supports. (See *Association for Retarded Citizens v. Department of Developmental Services* (1985) 38 Cal.3d 384, 388; *Williams v. Macomber* (1990) 226 Cal.App.3d 225, 232-234.) Regional centers, including ELARC, must ensure "[u]tilization of generic services and supports when appropriate." (Welf. & Inst. Code, § 4646.4, subd. (a)(2).)

## **Burden and Standard of Proof**

3. Claimant bears the burden of establishing by a preponderance of the evidence his entitlement to funding to reimburse Mother for mileage incurred in connection with the delivery of CIT, PA, and AST services to Claimant. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156, 161 [disability benefit]; Evid. Code, §500.)

4. Preponderance of the evidence means evidence that has more convincing force than that opposed to it. (See *Glage v. Hawes Firearms Company*

(1990) 226 Cal.App.3d 314, 324.) “[T]he sole focus of the legal definition of ‘preponderance’ in the phrase ‘preponderance of the evidence’ is on the *quality* of the evidence. The *quantity* of evidence presented by each side is irrelevant.” (*Id.* at 325, original italics.) In meeting the burden of proof by a preponderance of the evidence, Claimant “must produce substantial evidence, contradicted or un-contradicted, which supports the finding.” (*In re Shelley J.* (1998) 68 Cal.App.4th 322, 339.)

## **Discussion**

5. On June 13, 2023, in exchange for Claimant’s withdrawal of an appeal in DDS case number CS0004288, ELARC resolved to reimburse transportation expenses incurred in connection with “Claimant’s services and related IPP goals/documentated needs.” (Factual Finding 5.) The IPP Amendment incorporates by reference the June 13, 2023 resolution: “[Claimant] is not able to take public transportation or ACCESS as he needs PA or someone to be with him. . . . Mother reports she transport [Claimant] and ELARC services support meet [Claimant] at location depending on activity. . . . Mother provides most of [Claimant’s] transportation needs. . . . ELARC will reimburse transportation support per NOR.” (Factual Findings 14 and 15.)

6. The hearing testimony and exhibits in the evidentiary record establish the resolution to reimburse transportation expenses incurred in connection with Claimant’s services and related IPP goals/documentated needs is consistent with ELARC’s Purchase of Service Guideline as well as its specific guideline for funding transportation services for activities identified in a consumer’s IPP. Claimant’s IPP Amendment documents Claimant’s need for constant supervision when out in the community due to his unpredictable behavior grabbing females and his dysregulation. Under the terms of ELARC’s Purchase of Service Guidelines, these factors render generic transportation such as the MTA bus lines or ACCESS, among others, unsuitable

or inappropriate to meet Claimant's need for transportation services necessary to ensure delivery of his CIT, PA, or AST services. Claimant has exhibited behavior that presents a potential danger to the public and himself. As such, the June 13, 2023 resolution authorizing reimbursement of transportation support provided by Mother is properly understood as a necessary arrangement to address the "extraordinary circumstances" of Claimant's case.

7. The evidentiary record does not support a finding of a duplication of transportation services rendered to Claimant. As previously discussed, Mother transports Claimant to most meeting locations in the community where certain of his IPP-mandated CIT, PA, or AST services are delivered to him. Claimant's CIT and PA service providers do not transport Claimant when they deliver CIT and PA services to him. (Factual Finding 14.) Claimant's AST service provider has used public transportation with Claimant during delivery of AST services but ELARC has not established Mother claims mileage reimbursement for any of those instances.

8. Contrary to Ms. Cañas' opinion, the community in which Claimant's services are delivered to him is not circumscribed to the immediate vicinity of his residence. Like their typical peers, individuals with developmental disabilities, including Claimant, are not restricted from visiting and exploring other communities in addition to their own. What is pertinent in this matter is whether, for example, Mother's transport of Claimant to an IHop restaurant or the LA Tuna Canyon Trail in May 2025 was done in connection with the delivery of Claimant's CIT, PA, or AST services provided for in the IPP Amendment.

9. The preponderance of the evidence establishes the terms of the June 13, 2023 Notice of Resolution, which is incorporated by reference into the IPP

Amendment, obligate ELARC to reimburse Mother for transportation mileage incurred in connection with the delivery of CIT, PA, and AST services to Claimant.

## **ORDER**

1. Claimant's appeal is affirmed.
2. Eastern Los Angeles Regional Center shall reimburse Mother for transportation mileage incurred in connection with Mother's transportation of Claimant to locations where community integration, personal assistant, and adaptive skills training services are delivered to Claimant.
3. Mother shall comply with the Eastern Los Angeles Regional Center's established Purchase of Service procedures for processing requests for reimbursement of transportation mileage.

DATE:

JENNIFER M. RUSSELL  
Senior Administrative Law Judge  
Office of Administrative Hearings