

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

In the Matter of:

CLAIMANT

and

REGIONAL CENTER OF THE EAST BAY, Service Agency.

DDS No. CS0032679

OAH No. 2026010954

DECISION

Administrative Law Judge Holly M. Baldwin, State of California, Office of Administrative Hearings, served as the hearing officer for this matter on March 5, 2026, by videoconference.

Claimant was represented by his parent. Claimant was present at the hearing.

Denise Underwood represented Regional Center of the East Bay.

The record closed and the matter was submitted for decision on March 5, 2026.

ISSUE

Did Regional Center of the East Bay (RCEB) improperly deny claimant's request for his sister to be funded as his Supported Living Services worker?

FACTUAL FINDINGS

Background

1. Claimant is 30 years old. He receives services from RCEB based on his cerebral palsy and mild intellectual disability.
2. Claimant lives independently in a two-bedroom apartment that he shares with his sister (Sister). Claimant is employed part-time at Safeway, working four days a week in a shift of four to five hours.
3. Claimant previously attended the two-year Wayfinders Program at California State University, Fresno, where he lived with roommates and independent living skills support. Claimant graduated from the program in May 2024. He returned to the Bay Area and stayed in his parents' home temporarily while he looked for an apartment.

Supported Living Services for Claimant

4. Since August 2024, claimant has received Supported Living Services (SLS) from Homies Labs (Homies), an approved RCEB vendor, to support his goal of living independently. Claimant spent several months working with Homies to create a profile, search for a supportive roommate, and conduct interviews with potential roommates. Claimant ultimately chose his cousin (Cousin) to be his roommate and SLS worker.

Cousin received 15 hours of SLS training from Homies. In August 2024, claimant and Cousin moved into an apartment together, and Cousin began providing SLS services to claimant through Homies.

5. Claimant's RCEB person-centered planning team approved an Individual Program Plan (IPP) Addendum on August 15, 2024, agreeing to fund SLS services through Homies, with Cousin as the SLS worker. RCEB approved 217 hours per month of daytime SLS and 248 hours per month of overnight SLS.

As part of the IPP process, Homies provided an assessment of the supportive relationship between claimant and Cousin. Homies confirmed the extensive search for an appropriate roommate, and the reasons for claimant's choice of Cousin.

Claimant's August 2024 IPP Addendum outlined the role of SLS worker as providing support with claimant's activities of daily living such as: making time to eat, planning and preparing meals, and encouraging food choices; making sure clothes are clean and appropriate for the occasion; prompting to do personal hygiene activities; reminding to take medications; coaching about schedules and appointments; providing reminders, prompts, and guidance about completing household chores; helping manage an allowance without overspending; providing reminders to pay bills; providing reminders and guidance about community safety; and ensuring supervision at night so that claimant does not leave the apartment unsupervised.

The August 2024 IPP Addendum provides that during claimant's hours of "personal time," Cousin was not responsible for claimant, and any assistance would be considered natural support.

Claimant also received 72 hours per month of In-Home Supportive Services (IHSS) funded by the county. Claimant's mother was the IHSS worker at that time.

6. Claimant was hospitalized for a few days in March 2025. After his discharge, claimant and his team met for an IPP annual review on March 28, 2025. RCEB agreed to fund Cousin's SLS services through Homies at the same level of hours through March 2026.

7. In April 2025, claimant and his family recognized that claimant needed a level of consistent support throughout the day that Cousin was not able to provide because Cousin worked outside the apartment. Homies began seeking a replacement SLS worker for claimant, and brought forth a candidate for interview, but claimant did not want a stranger to be his SLS worker.

Also during this time, Sister became claimant's IHSS worker instead of claimant's mother, who was providing end-of-life care for her own father.

Sister expressed interest in the role of SLS worker, met with Homies to learn about the position's responsibilities, and received training. Claimant chose Sister to be his new supportive roommate and SLS worker because he trusts her, she understands him, and she makes him feel safe.

8. The apartment that claimant shared with Cousin was not as quiet as they had initially thought, and he began looking for a different, quieter apartment location. Sister located a suitable two-bedroom apartment.

9. Sister and claimant signed a lease beginning August 1, 2025, moved into the new apartment together, and Sister began providing SLS services through Homies.

10. RCEB and claimant agree that claimant has been doing well with Sister as his SLS worker.

11. As described below, RCEB issued a notice of action in November 2025, stating that it intended to stop funding Sister as the SLS worker, and that Homies must hire a new SLS worker for claimant.

12. On January 27, 2026, claimant's IPP was amended to reflect a change in the SLS vendor subcode due to "rate reform." The IPP Amendment stated that RCEB canceled the purchase of service for Homies SLS under the former codes for 217 hours monthly of daytime and 248 hours monthly of overnight SLS services. RCEB agreed to fund Homies SLS for claimant under the new code, at a level of 461 hours per month at the 1:1 rate, from February 1 to March 31, 2026.

The IPP Amendment described claimant's IPP goal to be more independent in the life area of supports at home with SLS services. It included a list of things claimant was working on: autonomy and choice by building confidence in making decisions for himself; daily living by managing his time with Google calendar; relationships by looking for social events to meet new people; health and well being by taking walks and seeing his therapist; finances by tracking expenses and managing his money; job placement by improving his attitude at work with customers and coworkers; and community by understanding more about scamming and cat-fishing so he can be safe. The IPP Amendment also described claimant's self-care skills, noting items he does on his own and items he needs reminders about or help with.

13. Claimant's most recent IPP review meeting was on February 24, 2026, with an agreement signed that day. RCEB agreed to fund SLS through Homies at a level of 461 hours per month from February 24 through March 31, 2026. (The original document appeared to state the end date as March 3, 2026, but a later email from RCEB confirmed the correct date is March 31, 2026.)

14. At hearing, RCEB provided claimant's weekly schedule for funded services and number of hours approved monthly. Claimant receives 461 SLS hours per month (or 103 hours per week). He receives 72 IHSS hours per month. Claimant also has personal time allocated in his weekly schedule.

Claimant's weekly schedule includes 103 SLS hours, 16 IHSS hours, and 49 hours of personal time.

- SLS hours are overnight from 9:00 p.m. to 7:00 a.m.; in the daytime on Tuesday from 8:00 a.m. to 7:00 p.m.; an hour or two before and after personal time on other weekdays; and five daytime hours each weekend day.
- IHSS hours are one hour at the beginning and end of each day at 7:00 a.m. and 7:00 p.m., plus one additional hour each weekend evening at 6:00 p.m.
- Claimant has personal time scheduled on Monday, Wednesday, Thursday and Friday from 9:00 a.m. to 5:00 p.m.; one hour each evening at 8:00 p.m.; two hours each weekend morning; and three hours each weekend afternoon. His work at Safeway takes place during the personal time hours.

Dispute About Sister Being the SLS Worker and RCEB's Position

15. Claimant's RCEB case manager, Lenijane Fong, and case manager supervisor Anne Marie Miller testified at hearing.

16. RCEB contends that it is prohibited from funding claimant's sister to be his SLS worker because she is considered a natural support. RCEB supports claimant's choice to have Sister as his roommate, but RCEB contends that Sister cannot also be claimant's SLS worker because she is part of his circle of support. RCEB does not

disagree with the SLS philosophy of Homies to have a live-in SLS provider as a supportive roommate.

17. After Fong learned that Sister would be the new SLS provider living with claimant, she scheduled a quarterly review meeting, held on September 29, 2025.

18. Fong subsequently discussed with Miller and RCEB's SLS specialists whether Sister could serve as the SLS provider. They concluded that Sister was a natural support for claimant and that allowing her to be the SLS worker would violate the regulatory prohibition against supplanting natural supports.

19. In mid-November 2025, Fong had a team meeting with claimant's mother and Homies, followed by a telephone conference with claimant, Sister, and claimant's mother, to explain RCEB's decision not to fund Sister as the SLS provider.

20. RCEB issued a notice of action on November 24, 2025, stating that it intended to stop funding Sister as the SLS worker. The notice stated that Homies should hire a new SLS worker for claimant within 30 days, with Homies administrators or supervisors providing SLS until a new worker was hired. RCEB's denial is based on its understanding of the requirement that SLS must not supplant natural supports. RCEB relies on two regulations that govern SLS, described below.

21. A service design must show how the SLS vendor will implement the SLS philosophy stated in Welfare and Institutions Code section 4689, subdivisions (a)(1) through (a)(8). (Cal. Code Regs., tit. 17, § 58632.) This includes showing how the vendor will assist the consumer in structuring and maintaining: a social environment in the home typical of homes where people without disabilities live; a community-oriented life in which the consumer accesses generic and natural supports consistent with their needs and preferences; and a network of relationships with others, including a circle of

support with a majority of members who are not paid to support the consumer, and with appropriate family participation. (Cal. Code Regs., tit. 17, § 58632, subd. (d).)

22. According to California Code of Regulations, title 17, section 58616, subdivision (b):

No relative or conservator of a consumer shall serve as the SLS vendor for that consumer except when a determination has been made through the IPP process that:

- (1) Unpaid family-based, or other natural supports for the consumer will not be supplanted;
- (2) Such service is consistent with the consumer's IPP goals and objectives;
- (3) The relative or conservator proposing to serve as the SLS vendor has no legal obligation to support the consumer;
- (4) The consumer's preference is for that relative or conservator to serve as the SLS vendor; and
- (5) The service will be at least as cost effective as any available alternative.

RCEB relies on this regulation, stating that Sister is a natural support for claimant and part of his circle of support, and that Sister cannot be his SLS provider.

23. RCEB's witnesses acknowledged that RCEB had previously approved a different relative of claimant, Cousin, to be a live-in SLS provider. These witnesses did not provide a clear explanation for why they consider the situations of Cousin and

Sister to be different. The RCEB witnesses noted that Cousin was working outside the home and providing SLS services, with mother as the IHSS worker; while Sister is providing SLS and IHSS and working another job remotely, but that did not seem to be the basis of their conclusion that Sister is a natural support.

24. Claimant filed an appeal request on December 17, 2025.

25. An informal meeting was held on December 22, 2025, but RCEB did not change its position.

Claimant's Position

26. Claimant testified at hearing. He wants Sister to be his SLS worker. Claimant does not want a stranger to be his SLS worker.

27. Claimant's mother, father, and Sister testified at hearing. Garrett Ackerman, the founder of Homies, also testified. Sister and claimant's mother credibly described the events leading to Sister becoming claimant's roommate and SLS worker.

28. Sister explained that she and claimant grew up in the same household but then Sister moved away from the Bay Area for years. She returned to the Bay Area at about the same time claimant was returning from living in Fresno. When claimant's mother was caring for her own father, Sister stepped in as IHSS worker for claimant on the weekends at the apartment claimant shared with Cousin. Sister noticed claimant was having some struggles. Claimant expressed that he wished to have a different roommate. Other potential supportive roommates were interviewed, but claimant chose Sister for this role. Sister works at home remotely for a start-up company and she has a flexible schedule that allows her to provide support to claimant as needed.

29. Homies provided an assessment in February 2026 for the IPP review, describing the support relationship between claimant and Sister. This assessment is consistent with the testimony of Sister, claimant, and claimant's mother. Claimant wants to live with Sister because he trusts her, she understands him, and she makes claimant feel safe. As described in the Homies assessment, the complexity of claimant's support needs and behavioral challenges demand a specific skill set and temperament. Claimant needed more companionship, cues, re-direction, and hands-on support during the day than Cousin was able to provide.

30. Sister is proud to provide SLS services to claimant, but her SLS work is a job, and she would not provide these services without pay. During claimant's personal time, Sister is not responsible for providing SLS services, and she is a natural support.

31. Sister described the activities and supports in claimant's schedule.

Sister provides IHSS services to claimant before and after work and periodically on weekends. She ensures claimant eats a full meal at least twice a day, that he is clean and performs hygiene, that he gets to work on time, and that the home is clean.

Sister's SLS services for claimant include making sure he takes his medications, making sure he gets up in time for work, and driving him to work or getting him to the bus. Sister works on scheduling and coordination of claimant's activities and appointments. She also provides constant re-directing and prompting for claimant in his daily activities. Claimant wants to make friends but has been scammed in the past, so Sister monitors his interactions and technology to ensure safe friendships. During the night, claimant has a tendency to elope and leave the home to investigate loud noises. Sister provides comfort and re-direction to get claimant to return home and stay inside at night.

During the hours scheduled as claimant's personal time and his work shifts, Sister acts as a natural support. For example, she will provide assistance if claimant forgets his keys or cell phone charger, or needs a ride.

32. As described in Factual Finding 14, claimant has 49 hours per week scheduled as personal time/natural support. Sister is only one member of claimant's circle of support. Each week, claimant's parents provide more than eight hours of natural support, claimant's neighbors and friends about eight hours, and claimant works about 16 hours.

33. Sister explained that claimant lives as independently as possible and is improving his skills, but interruptions in his support hinder his growth.

34. Claimant's father noted that claimant needs someone to support him in his home to see and understand the nuances of his behavior and needs for prompting. Sister takes claimant out to social activities like sporting events and gatherings, and serves as a natural support. But going above and beyond that is a job for her.

35. Ackerman founded Homies three or four years ago, and has been providing this model of services for about seven years. He supports clients in choosing where they live and who they live with. Ackerman described his work as matchmaking, mostly for people who are leaving group home settings, and he introduces clients to potential supportive roommate matches. Ackerman noted that very few regional center clients live independently. He congratulates claimant on living independently, which is a big step after the Wayfinders Program. Ackerman understands having a stranger as an SLS worker is not an option for claimant. He supports claimant's choice.

36. While claimant was seeking a new supportive roommate and SLS worker and as he chose Sister, claimant's mother repeatedly attempted to contact Fong,

claimant's case manager, to discuss these issues. She left voicemail and email messages for Fong from late June to August 2025. Fong responded by email in late August to set up a team meeting, which took place in late September 2025.

37. Fong visited claimant's new apartment in September 2025. Claimant did not know there was a problem with approval of Sister as his SLS worker until the notice of action and denial letter were issued in November 2025.

38. Claimant does not agree that Sister is supplanting natural supports. Claimant has a circle of support that includes friends, family, and neighbors, not just Sister, and claimant is continuing to build his circle of support.

LEGAL CONCLUSIONS

1. The State of California accepts responsibility for persons with developmental disabilities under the Lanterman Developmental Disabilities Services Act (the Lanterman Act). (Welf. & Inst. Code, § 4500 et seq.) Lanterman Act services are provided through a statewide network of private, nonprofit regional centers, including RCEB. (*Id.*, § 4620.)

2. "[T]he Legislature places 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." (Welf. & Inst. Code, § 4689.) "The purpose of furnishing services and supports to a consumer shall be to assist that individual to exercise choice in his or her life while building critical and durable relationships with other individuals." (*Id.*, subd. (a)(5).)

3. The Lanterman Act calls for regional center consumers to be “supported in living arrangements which are typical of those in which persons without disabilities reside.” (Welf. & Inst. Code, § 4689, subd. (a)(1).) An adult sibling of a 30-year-old person would not typically be expected to live with that person and provide services such as SLS.

4. Before funding SLS, a regional center must confirm that the consumer is drawing on “all appropriate and available sources of natural and generic supports.” (Welf. & Inst. Code, § 4689, subd. (f).)

5. RCEB’s contention, that the regulations prohibit funding Sister as claimant’s SLS worker, is unpersuasive. California Code of Regulations, title 17, section 58616, subdivision (b), provides generally that a relative shall not serve as a claimant’s SLS vendor, but sets forth criteria for an exception (see Factual Finding 22).

As an initial matter, this regulation may not apply to claimant’s situation. Sister is not an SLS vendor—Homies is the vendor, and Sister is the SLS worker. Moreover, even if this regulation were found to apply, the criteria in subdivision (b) are met. Sister serving as the SLS worker is consistent with claimant’s IPP goals and objectives. As an adult sibling of an adult regional center consumer, Sister has no legal obligation to support claimant. It is claimant’s preference that Sister be his SLS worker. There is no evidence that choosing Sister as the SLS worker employed by Homies has any effect on the cost of these services.

The remaining issue is whether unpaid natural supports for claimant would be supplanted by Sister serving as the SLS worker. The evidence established that, while Sister is acting as a natural support for claimant during his personal time hours, her

services as an SLS worker are not supplanting natural supports. (Factual Findings 14, 23, 26-32.)

6. The evidence did not establish that RCEB is prohibited from funding Sister to be claimant's SLS worker. Accordingly, claimant's appeal is granted.

ORDER

Claimant's appeal is granted. RCEB shall fund SLS services provided by claimant's sister through Homies Labs, in accordance with claimant's IPP.

DATE:

HOLLY M. BALDWIN

Administrative Law Judge

Office of Administrative Hearings

NOTICE

This is the final administrative decision. Each party is bound by this decision. Either party may request a reconsideration pursuant to subdivision (b) of Welfare and Institutions Code section 4713 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.