

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

CLAIMANT,

and

EASTERN LOS ANGELES REGIONAL
CENTER,

Service Agency.

Case No. 2014040866

DECISION

Administrative Law Judge (ALJ) David B. Rosenman heard this matter on July 10, 2014, in Alhambra, California.

Carmen Vasquez, Early Start Program Manager, represented Eastern Los Angeles Regional Center (ELARC or Service Agency).

Mathew M. Pope, Attorney at Law, represented Claimant, who was present throughout the hearing.

Evidence was received and the matter argued. The record remained open for the parties to respond to the ALJ's request for citations to legal authority relating to the issues. Citations were received and marked for identification as follows: ELARC, July 14, 2014, Exhibit P; Claimant, July 17, 2014, Exhibit 4. The matter was submitted for decision on July 17, 2014.

ISSUES PRESENTED

1. Should ELARC provide to Claimant a monthly food voucher of \$100?
2. Should ELARC provide to Claimant a rental subsidy for one-third of his monthly rent?

3. Should ELARC provide an additional six to eight hours per week of supported living services (SLS) for Personalized Arrangements for Living Support (PALS) to assist Claimant in development of employment goals, including maintaining his own small business?

NOTE: As is more specifically addressed on the record of the hearing, ELARC objected to the third issue, as it was not included in its Notice of Proposed Action (NOPA) (Ex. A.) However, from review of other evidence, it was clear that the parties met to discuss this request, and that ELARC represented that if the decision was made to deny the service, the denial would be included in the NOPA. (See, for example, the Individual Program Plan addendum, Ex. H, and the email from service coordinator Maria Velasquez to Mr. Pope, Ex. 3.) Denial of a service request should be included in a NOPA and is a proper basis for a fair hearing request, under Welfare and Institutions Code sections 4710 and 4710.5 ELARC cannot avoid the issue by denying the requested service but not including a denial in the NOPA.

FACTUAL FINDINGS

1. Claimant is 59 years old and is a client of ELARC based on a diagnosis of mild intellectual disability. He has a number of co-morbid conditions, the most significant of which is schizophrenia which is currently under control through medication.

2. Claimant lives on his own in Whittier, California. He has lived in Whittier for most of his life. He is comfortable and familiar with his surroundings and does not wish to move. He would like to be able to earn more money to supplement his government aid thereby enabling him to buy the common necessities of life.

3. Claimant has no formal job training. He earns some money by doing small errands for local businesses, such as delivering food or advertising for stores, for which he is paid small sums. He makes buttons and assists in sorting and packaging them for shipment. Respondent recently began sweeping and cleaning up at PALS in return for a food voucher.

4. Claimant has received SLS for many years, from different vendors. It was explained that he is easy to work with when he likes a provider, but becomes less so when the provider falls out of his favor. Esperanza Charities was his SLS vendor from an unknown starting date. Of significance from a progress report in November 2008, Claimant was looking for a new apartment; he had small jobs for merchants in Whittier; he was referred to the Lincoln Training Center for some unspecified job-related services; he was receiving \$870 per month SSI; and with money management support from Esperanza, he had saved \$1600. Claimant moved to an apartment the following month. Of significance from a progress report in September 2010, Claimant needed SLS assistance with maintaining his apartment and washing his clothes; SLS workers accompanied him to medical appointments; Claimant was overweight and struggled with a healthy diet -- he did not have enough money to afford healthy food; and he was bored with a regular basic menu and sometimes spent over

budget on fast food. Esperanza's services ended in November 2011. Claimant's savings had been reduced due to a limit on assets for him to stay eligible for government benefits. SLS was then provided by Pen Homes for about one year. Pen Homes ended SLS services because of Claimant's frequent complaints that he was unsatisfied with their services concerning his need for food and groceries.

5. Services were then provided by In 2 Vision, an independent living services (ILS) vendor, while a new SLS assessment was prepared and a vendor assigned. As of June 2013, Claimant was registered with three food banks. Of significance from a progress report in January 2014, Claimant required reminders and prompts for many daily activities; he had difficulty managing money and making necessary appointments; when in the community he sometimes forgot his financial obligations and splurged on a restaurant or fast food meal; he could be verbally aggressive, loud and profane, and made accusations of maltreatment; he complained that the food banks do not have healthy vegetables and fruit; and Claimant continued to need reminders to stay on budget and maintain his medical appointments and medications. In 2 Vision was providing 50 hours per month of ILS. From interdisciplinary notes by Maria Esther Velasquez, Claimant's service coordinator, it appears that Claimant was very guarded with his money and did not let In 2 Vision assist in budgeting or money management.

6. Velasquez had an exchange of emails with Eliana Ramirez, the Program Supervisor at In 2 Vision, and made interdisciplinary notes of relevant information on March 25, 2014. In summary, Claimant was taken to two food banks, two days each week. Many different types of food were provided, including fruit and vegetables. Claimant can use the microwave oven but otherwise does not cook for himself. His IHSS worker cooks some of the food. However, it was reported that Claimant will throw away food that needs to be cooked, and throws away a majority of the food from the food banks unless it can be frozen or is ready to eat. He will not eat much of that food unless it is cooked the same day it is obtained. Otherwise he throws it out.

7. According to his Individual Program Plan (IPP) from June 17, 2013, Claimant's diagnoses include mild mental retardation, schizophrenia, obesity, high blood pressure, high cholesterol, sleep apnea, and type 2 Diabetes. The IPP section titled "Vocational/Educational/Day Program" refers to Claimant's several part-time jobs for local merchants (running errands, passing out fliers, purchasing their lunches and making deliveries), in exchange for money or food. He has back and leg issues and cannot stand for long periods or lift heavy objects. These limits make it difficult for Claimant to hold a full-time job. The desired outcome is for Claimant to maintain his daily routine. There is no mention of goals or services that are specific to any job-related activities.

8. PALS did an assessment of Claimant for SLS services in February 2013. Although Claimant wanted to switch to PALS, there were extended negotiations over the rate to be paid and the nature of services and number of hours to be provided. For example, PALS proposed to provide 36 hours of services per week, including 16 hours related to goals in "career/ micro entrepreneurship." ELARC would not agree. The matter was decided after

a fair hearing (OAH case no. 2013101161) in a Decision dated January 29, 2014. The Order was for ELARC to fund 20 hours per week of SLS services through PALS according to the assessment, except for job training or micro-entrepreneurship activities. Also, ELARC was ordered to convene a meeting of the appropriate members of the team involved in Claimant's IPP to create a plan of action to address Claimant's wants and needs with respect to job training and/or business creation skills.

9. According to an IPP addendum (Ex. H), the IPP meeting ordered in the prior fair hearing Decision occurred on March 6, 2014. PALS was to begin services on April 1, 2014, and Claimant expressed that he would like services from PALS only, and would let them assist with money management. Claimant wanted to discuss PALS' plan for job-related services, and ELARC offered other vendored agencies for these services. These vendored services were described as "supported employment programs" and "customized employment." (The ALJ requested ELARC to provide legal citations concerning the definitions and scope of these services.) There was no evidence of which vendors were discussed, or their locations. Although the IPP addendum notes that ELARC provided a draft of its guidelines for habilitation services, this was not included in the evidence at the hearing. The interdisciplinary notes indicate that ELARC would not move forward on Claimant's employment goal unless he agreed to have other vendors involved, not PALS. Claimant believed that PALS was more familiar with the Whittier area and, due to his willingness to work with PALS, it would be a better provider of job-related services. Without information on the actual vendors offered, their locations, or the ELARC draft guidelines, it cannot be determined to what extent the vendors offered were appropriate for Claimant. Claimant also requested that ELARC fund one-third of his monthly rent, currently \$695 total, and provide a food voucher for \$100 per month.

10. In 2004, Claimant was approved for subsidized housing by the U. S. Department of Housing and Urban Development (HUD), known as section 8 housing. Approved applicants are placed on a waiting list and it can take ten years, or more, before section 8 housing becomes available. Apparently Claimant's place on one waiting list was cancelled in February 2008 when a postcard sent to him was undeliverable. Claimant was, at that time, either homeless for a period or moving from place to place with ELARC attempting to find him a better housing situation. The evidence of cancellation, Ex. 1, refers to six different housing lists, notes that Claimant's status is "preliminary" as to five, and refers to one, "Paramount Section 8," as having been cancelled.

11. Wilmer Rivas is a case manager at PALS, and has also provided direct services to consumers. He is very familiar with Claimant. Claimant's job of sweeping at PALS is designed to allow him some work, provide him with a meal voucher, and allow PALS staff to assess Claimant, including his job skills. Rivas is aware of other clients who have received job assistance from PALS, including coordination with the Department of Rehabilitation (DOR) to access its job-related services. PALS is not vendored to provide supported employment or customized employment services. On July 1, 2014, PALS provided Velasquez with updated information about Claimant's medical needs, based on recent appointments. Based on these new needs, Rivas estimates that Claimant's basic needs

can no longer be met with 20 hours per week of SLS. Rather, 40 to 60 hours per week may be needed. He could not estimate the number of hours needed to address Claimant's career goals. He attempted to confirm Claimant's HUD status but could not without Claimant's password and username, which Claimant could not supply. PALS plans to take Claimant to a HUD office to obtain updated status information and re-establish computer access. Rivas testified that, if Claimant received rent and food vouchers he would have more money available for the purchase of healthy foods. According to Rivas, Claimant's service coordinator, Velasquez, did not seek information from PALS about job-related services it could provide for Claimant.

12. Claimant enjoys living, working and recreating in Whittier. He is known to many merchants, and he would like to have more small jobs. When asked for his plan, he stated that he could get more jobs with the help of God, the help of PALS, and a loan. He lives on a small fixed income. He is very comfortable with PALS and calls Rivas and others often, as much as 50 times a day. Claimant stated that his IHSS worker throws food away because it is not fresh, and that he can taste it when it is not fresh. He would like to eat healthier foods and is aware that his doctors recommend that he have a healthier diet. Claimant is concerned about the negative medical effects of an unhealthy diet.

13. PALS assessment (Ex. K) lays out a carefully crafted 20-hour per week plan for the provision of services that would help enhance Claimant's self-advocacy and domestic skills, deal with personal finances, and maintain good physical and mental health. An additional 16 hours per week included in the February 2013 assessment is the time PALS then believed was needed to help Respondent "establish and maintain his own small business," also referred to as "micro entrepreneurship," based on the community's familiarity with Claimant's past efforts to promote and market local shops and merchandisers. According to Exhibit K, "[Claimant] believes that with adequate support and structure (professional and financial), he can establish and maintain a self-sustainable small business, specializing in 'gorilla [*sic*] marketing,'" and is "motivated and inspired by the thought of earning the income necessary to support a more healthy lifestyle." However, PALS offered no more specific plans on how to help Claimant establish and maintain a small business.

14. Claimant contends that the housing voucher is appropriate, in part, because Claimant's SLS vendor is responsible for maintaining his status on the HUD housing lists, and Claimant was cancelled from a list.

LEGAL CONCLUSIONS

1. The Lanterman Developmental Disabilities Services Act (the Lanterman Act) is found at Welfare and Institutions Code section 4500 et seq. The Lanterman Act was enacted more than three decades ago. Welfare and Institutions Code section 4501¹ sets forth the purpose of the Lanterman Act. It states:

The State of California accepts a responsibility for persons with developmental disabilities and an obligation to them which it must discharge. [¶] An array of services and supports should be established which is sufficiently complete to meet the needs and choices of each person with developmental disabilities, regardless of age or degree of disability, and at each stage of life and to support their integration into the mainstream life of the community. To the maximum extent feasible, services and supports should be available throughout the state to prevent the dislocation of persons with developmental disabilities from their home communities.

2. Several sections of the Lanterman Act are instructive here, relating to services and the IPP process. Section 4512, subdivision (b), defines “services and supports” as:

[S]pecialized services and supports or special adaptations of generic services and supports directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of independent, productive, normal lives. The determination of which services and supports are necessary for each consumer shall be made through the individual program plan process. The determination shall be made on the basis of the needs and preferences of the consumer or, when appropriate, the consumer’s family, 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”

3. Section 4646, subdivision (a), provides in part:

It is the intent of the Legislature to ensure that the individual program plan and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and the family, where appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments. It is the further intent of the Legislature to ensure that the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources.

4. A regional center’s responsibilities to its consumers are set forth in sections 4640-4659. The process for identifying the need for services and for providing funding for the services by regional centers is generally set forth in sections 4646 and 4648. As applied

¹ Except as otherwise noted, all statutory references are to the Welfare and Institutions Code.

to this case, that process includes that a request for the services, or for a change in services, would be made and discussed by the team responsible for coordinating a consumer's plan of services, including the consumer and Service Agency representatives.

5. The applicable sections of the Code address the team nature of the decision-making process regarding those services that are to be supplied or funded by the Service Agency. This is accomplished by the IPP process, which is described and referred to in numerous sections of the Act. Set out below are some of the sections that describe the purpose of the IPP and the process of preparing and modifying the IPP.

6. Section 4646 provides, in part:

(b) The individual program plan is developed through a process of individualized needs determination. The individual with developmental disabilities and, where appropriate, his or her parents, legal guardian or conservator, or authorized representative, shall have the opportunity to actively participate in the development of the plan. [¶]

(d) Individual program plans shall be prepared jointly by the planning team. Decisions concerning the consumer's goals, objectives, and services and supports that will be included in the consumer's individual program plan and purchased by the regional center or obtained from generic agencies shall be made by agreement between the regional center representative and the consumer or, where appropriate, the parents, legal guardian, conservator, or authorized representative at the program plan meeting.

7. Section 4646.5 provides, in part:

(a) The planning process for the individual program plan described in Section 4646 shall include all of the following:

(1) Gathering information and conducting assessments to determine the life goals, capabilities and strengths, preferences, barriers, and concerns or problems of the person with developmental disabilities. . . . Information shall be taken from the consumer, his or her parents and other family members, his or her friends, advocates, providers of services and supports, and other agencies. The assessment process shall reflect awareness of, and sensitivity to, the lifestyle and cultural background of the consumer and the family.

(2) A statement of goals, based on the needs, preferences, and life choices of the individual with developmental disabilities, and a statement of specific, time-limited objectives for implementing the person's goals and addressing his or her needs. These objectives shall be stated in terms that allow measurement of progress or monitoring of service delivery. These goals and objectives should maximize opportunities for the consumer to develop

relationships, be part of community life in the areas of community participation, housing, work, school, and leisure, increase control over his or her life, acquire increasingly positive roles in community life, and develop competencies to help accomplish these goals. [¶]

(4) A schedule of the type and amount of services and supports to be purchased by the regional center or obtained from generic agencies or other resources in order to achieve the individual program plan goals and objectives, and identification of the provider or providers of service responsible for attaining each objective, including, but not limited to, vendors, contracted providers, generic service agencies, and natural supports. The plan shall specify the approximate scheduled start date for services and supports and shall contain timelines for actions necessary to begin services and supports, including generic services. [¶] . . . [¶]

(b) For all active cases, individual program plans shall be reviewed and modified by the planning team, through the process described in Section 4646, as necessary, in response to the person's achievement or changing needs, and no less often than once every three years. If the consumer or, where appropriate, the consumer's parents, legal guardian, or conservator requests an individual program plan review, the individual program shall be reviewed within 30 days after the request is submitted.

8. Section 4647, subdivision (a), provides:

(a) Pursuant to Section 4640.7, service coordination shall include those activities necessary to implement an individual program plan, including, but not limited to, participation in the individual program plan process; assurance that the planning team considers all appropriate options for meeting each individual program plan objective; securing, through purchasing or by obtaining from generic agencies or other resources, services and supports specified in the person's individual program plan; coordination of service and support programs; collection and dissemination of information; and monitoring implementation of the plan to ascertain that objectives have been fulfilled and to assist in revising the plan as necessary.

9. Section 4648 provides, in part:

In order to achieve the stated objectives of a consumer's individual program plan, the regional center shall conduct activities including, but not limited to, all of the following:

(a) Securing needed services and supports.

(1) It is the intent of the Legislature that services and supports assist individuals with developmental disabilities in achieving the greatest self-sufficiency possible and in exercising personal choices. The regional center shall secure services and supports that meet the needs of the consumer, as determined in the consumer's individual program plan, and within the context of the individual program plan, the planning team shall give highest preference to those services and supports which would allow minors with developmental disabilities to live with their families, adult persons with developmental disabilities to live as independently as possible in the community, and that allow all consumers to interact with persons without disabilities in positive, meaningful ways. [¶]. . . [¶]

(d) The consumer shall not be required to use the least costly provider if it will result in the consumer moving from an existing provider of services or supports to more restrictive or less integrated services or supports.

10. The process created by these sections and others can be summarized and explained in less technical terms. The Code sections set forth criteria that relate to the development and modification of an IPP for a person with a developmental disability, referred to as a consumer.

An IPP is developed through a collaborative effort involving the appropriate regional center, the consumer and/or the consumer's representative(s), and others, sometimes collectively referred to as the interdisciplinary team (or ID Team). It was the intent of the Legislature that persons with diverse skills and expertise were to serve on the ID Team. They were intended to confer, deliberate, and decide what should be included in the consumer's IPP.

The IPP is prepared for the consumer by identifying necessary services and supports. The regional center must allow the consumer to participate in developing the IPP. The plan must be based on information and assessments relating to the consumer's life goals, the barriers to meeting those goals, the consumer's capabilities and strengths, preferences, concerns, and other relevant information about the consumer.

Assessments must be conducted by qualified individuals and performed in natural environments whenever possible. Information must be obtained from the consumer, the consumer's friends, advocates, any providers of services and supports, and any other interested agencies. The assessment process must reflect an awareness of, and sensitivity to, the lifestyle of the consumer.

An IPP must include a statement of the consumer's goals, based on the consumer's needs, preferences, and life choices. An IPP must contain specific, time-limited objectives to implement identified goals. Objectives must be constructed to allow measurement of progress and monitoring of service delivery. Identified goals and objectives should maximize a consumer's opportunity to develop relationships and participate in community

life, housing, work, school, and leisure activities. Identified goals and objectives should increase the consumer's control over his or her life, should assist the consumer in acquiring increasingly positive roles in community life, and should be directed toward developing competency to help accomplish these goals. Proper goals and objectives allow for efficient evaluation of the effectiveness of the plan and the progress made by a consumer.

The regional center is required to prepare a plan identifying the services and supports a consumer needs to meet the goals and objectives identified by the ID Team, and determine whether those services and supports are to be purchased by the regional center, obtained from generic agencies, or provided from other sources. A consumer has the right to provide the regional center with input into the selection of the providers of those services and supports.

If a consumer and/or the consumer's representatives do not agree with all of the components contained in an IPP, the area(s) of disagreement may be noted. The regional center must send written notice advising the consumer and the consumer's representatives of the right to a fair hearing as to the areas of disagreement.

These statutes require that the services provided must be effective in meeting IPP goals, that the IPP should reflect the preferences and choices of the consumer, and that the IPP should be cost-effective in its use of public resources.

11. Specific to supported living services, the statutory definition includes "development of employment goals" and "facilitating community participation." (§ 4689, subd. (c).)

12. The prior Decision ordered the parties to convene an IPP meeting "to create a plan of action to address Claimant's wants and needs with respect to job training and/or business creation skills." (Ex. D.) According to the notes and IPP addendum, this is not what occurred. Apparently, ELARC offered a draft service policy and a list of vendors on a take-it-or-leave-it basis, with no delineation of Claimant's wants and needs other than he wanted PALS to provide the service. Claimant did not offer specific information, beyond what appears in prior IPPs, about his job-related goals. The parties have not followed the letter or spirit of either the order or the Lanterman Act. Therefore, ordering the parties to do it again is problematic.

13. Equally problematic, there was not enough evidence submitted by either Claimant or ELARC to state, definitively, what are Claimant's job-related needs and wants and what services should be provided. PALS previously assessed a need for 16 hours per week for job-related services. However, the prior Decision pointed out where the PALS plan was lacking in specificity, and Wilmer presently could not provide much more specific information about Claimant's job skills or goals. Even though PALS is observing Claimant in part to assess his skills, Wilmer did not provide any specific observations or conclusions in this regard. Nor could Wilmer estimate the number of service hours needed to address Claimant's career goals.

14. Under these circumstances, it would be premature to order ELARC to fund job-related services to be provided by PALS. Based on Claimant's willingness to work with PALS and the increased likelihood of success when Claimant's likes, and cooperates with vendors, ELARC will pay for PALS to perform an assessment and develop a plan for job-related services for Claimant. Due to ELARC's concern about services being provided by a vendor qualified for supported employment programs² or customized employment, ELARC may, if it chooses, fund for a similar assessment from such a vendor. If so, Claimant is encouraged to cooperate so that comprehensive information can be gathered and meaningful service programs can be proposed. After an appropriate period to gather this and other relevant information, an IPP meeting shall take place to create a plan of action to address Claimant's wants and needs with respect to job training and/or business creation skills. The parties are urged to bring relevant information to the meeting and work together, under the spirit and language of the Lanterman Act, to provide reasonable choices to Claimant. The parties should consider the elements of "allowable supported employment services" as set forth in section 4851, subdivision (q).

15. Claimant contends that the Lanterman Act allows for the food and rent vouchers under the concept of gap funding, supported by the following language from section 4501:

The State of California accepts a responsibility for persons with developmental disabilities and an obligation to them which it must discharge. Affecting hundreds of thousands of children and adults directly, and having an important impact on the lives of their families, neighbors, and whole communities, developmental disabilities present social, medical, economic, and legal problems of extreme importance. The complexities of providing services and supports to persons with developmental disabilities requires the coordination of services of many state departments and community agencies to ensure that no gaps occur in the communication or provision of services and supports. A consumer of services and support shall have a leadership role in service design.

16. Also offered by Claimant is the following authority from section 4689:

(h) Rent, mortgage, and lease payments of a supported living home and household expenses shall be the responsibility of the consumer and any roommate who resides with the consumer.

(i) A regional center shall not make rent, mortgage, or lease payments on a supported living home, or pay for household expenses of consumers receiving supported living services, except under the following circumstances:

² "Supported employment" is a habilitation service defined as "paid work that is integrated in the community for individuals with developmental disabilities." (§4851, subd. (n).)

(1) If all of the following conditions are met, a regional center may make rent, mortgage, or lease payments as follows:

(A) The regional center executive director verifies in writing that making the rent, mortgage, or lease payments or paying for household expenses is required to meet the specific care needs unique to the individual consumer as set forth in an addendum to the consumer's individual program plan, and is required when a consumer's demonstrated medical, behavioral, or psychiatric condition presents a health and safety risk to himself or herself, or another.

(B) During the time period that a regional center is making rent, mortgage, or lease payments, or paying for household expenses, the supported living services vendor shall assist the consumer in accessing all sources of generic and natural supports consistent with the needs of the consumer.

(C) The regional center shall not make rent, mortgage, or lease payments on a supported living home or pay for household expenses for more than six months, unless the regional center finds that it is necessary to meet the individual consumer's particular needs pursuant to the consumer's individual program plan. The regional center shall review a finding on necessity on a quarterly basis and the regional center executive director shall annually verify in an addendum to the consumer's individual program plan that the requirements set forth in subparagraph (A) continue to be met.

17. Claimant did not establish, by a preponderance of the evidence, that he is entitled to either a rent voucher or a food voucher. With regard to both, Claimant admittedly has challenges in living within his budget. However, there was no evidence that he has been unable to pay his rent. Further, the evidence of Claimant's status on the HUD section 8 housing lists was equivocal; he may have been cancelled from one of six lists. The printout of this information is undated, and PALS has plans to obtain updated information about Claimant's status. Further, his IPP does not include "specific care needs" related to rent or food, as required under section 4689, subdivision (i).

18. With respect to a food voucher, the evidence established that, while SLS was provided by Esperanza Charities, Claimant was able to budget in such a way that he paid rent, had money for discretionary purposes, and contributed to a savings account. When Pen Homes took over, Claimant's dissatisfaction concerning his need for food and groceries led to the services being transferred to In 2 Vision, where Claimant did not allow the vendor to assist in money management. Claimant stated a willingness to allow PALS to do so, and it is included in his service plan. The evidence is also that Claimant does not fully cooperate in the efficient use of food he obtains from the food banks, and mismanages money including splurging on fast food and restaurant meals. Clearly, issues of money management, and healthy food choices, should be included in Claimant's SLS such that he can maximize the

chance to eat a healthy diet and minimize instances where he goes off of a reasonable budget. Claimant's cooperation with PALS in these areas maximizes the likelihood of greater success. The present evidentiary record does not support the conclusion, as required in section 4689, subdivision (i), that the food or rent voucher "is required when a consumer's demonstrated medical, behavioral, or psychiatric condition presents a health and safety risk to himself." No medical information from any medical professional was submitted in evidence, and the anecdotal information provided by Claimant and Wilmer was insufficient.

ORDER

Claimant's fair hearing request is granted in part, and denied in part, as follows:

1. ELARC shall fund for PALS to provide an assessment and a plan for job-related services for Claimant.
2. After an appropriate period to gather assessment(s) and other relevant information, ELARC shall convene an IPP meeting to create a plan of action to address Claimant's wants and needs with respect to job training and/or business creation skills.
3. Claimant's request for a food voucher and rent voucher are denied.

DATED: July 24, 2014

DAVID B. ROSENMAN
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative decision in this matter. Each party is bound by this decision. If a party chooses to appeal, an appeal from this decision must be made to a court of competent jurisdiction within 90 days of receipt of this decision. (Welf. & Inst. Code, § 4712.5, subd. (a).)