# California Department of Rehabilitation

# Summary of Fair Hearing Decisions for Federal Fiscal Year 2023-2024 (October 1, 2023, through September 30, 2024)

**1. SHN Number 104895018 (Redwood Empire District)**

 **Impartial Hearing Officer: L. Wright**

 **Decision Date: October 16, 2023**

**Applicable Regulations: California Code of Regulations, title 9, sections 7019.9, 7351, 7353.6, 7356**

Appellant sought a fair hearing after alleging that DOR improperly closed her case. At the fair hearing, DOR’s representative testified that appellant had demonstrated a pattern of inappropriate, discourteous, and threatening behavior to DOR staff. He testified that DOR wants to work with appellant to achieve her employment goals but that she would send threatening communications to DOR staff. The DOR stated that appellant’s case was marked for closure pending management approval at the time of the fair hearing request.

The Impartial Hearing Officer determined that based on the evidence presented at the hearing, DOR had agreed to keep appellant’s case open. Because the evidence established that on the date of the hearing appellant’s case was open, the appeal was dismissed for lack of jurisdiction.

**2. SHN Number 104911583 (San Jose District)**

**Impartial Hearing Officer: K. Turner**

 **Decision Date: October 18, 2023**

**Applicable Regulations: California Code of Regulations, title 9, sections 7128, 7130, 7131, 7353.60**

Appellant requested a fair hearing alleging dissatisfaction with her DOR counselor and requesting repairs for her vehicle. Appellant claimed that the delay in the DOR approval process for a diagnostic report for her vehicle caused issues for her because she could not use her car to attend job fairs or apply for jobs in person.

Pursuant to an agreement between the parties at the hearing, DOR was ordered to authorize a diagnostic report for appellant’s vehicle. Repairs to the vehicle were not authorized. Because DOR assigned appellant a new counselor as requested prior to the fair hearing, the claim regarding appellant’s request for a change of counselor was dismissed as moot.

**3. SHN Number 104931542 (Greater East Bay District)**

**Impartial Hearing Officer: S. Shaffer**

**Decision Date: November 12, 2023**

**Applicable Regulations: California Code of Regulations, title 9, sections 7350, 7351, 7353, 7354, 7355, 7356**

Appellant requested a fair hearing alleging discrimination and claiming that his individual employment plan (“IPE”) was falsified. Appellant claimed that he was never asked his education and career goals and that he was excluded throughout the IPE process. Appellant requested that the DOR office be closed pending an internal investigation and that he be awarded $250,000,000 for injury, emotional distress, pain and suffering and loss of wages.

The Impartial Hearing Officer determined that even though appellant claimed exclusion from the IPE process, he did not seek modification to any IPE created for him. It was also determined that appellant’s discrimination complaints were correctly referred for prompt administrative review pursuant to Cal. Code Regs., tit. 9, section 7351(b) and sections 7363 through 7367, and that there was no fair hearing jurisdiction to review these complaints of discrimination. The Impartial Hearing Officer also concluded that the $250,000,000 in damages and the closure of a DOR office were not available relief for the fair hearing process. Therefore, the appeal was dismissed.

**4. SHN Number 104939669 (Inland Empire District)**

**Impartial Hearing Officer: K. Turner**

**Decision Date: December 12, 2023**

**Applicable Regulations: California Code of Regulations, title 9, sections 7011, 7019, 7041, 7062, 7128, 7131, 7142, 7161**

Appellant requested that DOR reimburse her for costs incurred for transportation and internet service. Appellant also alleged that DOR improperly eliminated her from a training program and violated her confidentiality by disseminating personal documentation.

The Impartial Hearing Officer determined that no evidence was presented that appellant incurred actual cost for public or private transportation other than to travel to the DOR office for which she was reimbursed. There is no rule requiring DOR to provide appellant with what would essentially be a monthly stipend for general transportation costs. It was determined that DOR was not obligated to reimburse appellant for costs for internet services, if any, and appellant provided no evidence that these costs were incurred and not reimbursed. The Impartial Hearing Officer concluded that DOR did not terminate appellant from the training portion of her IPE, and there was no evidence that DOR violated her confidentiality with any documents in its possession. The DOR agreed to amend appellant’s IPE, and the remainder of appellant’s claims were denied.

**5. SHN Number 104940612 (San Jose District)**

**Impartial Hearing Officer: E. Palomares**

**Decision Date: January 2, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections** **7128, 7131, 7157**

Appellant alleged DOR improperly denied a request for additional on the job training through a private provider offering bootcamp training for Cloud mastery of AWS. At the hearing, the DOR representative testified that DOR could not support appellant’s request for AWS Bootcamp training because there was no end date, the program was not certified by the Bureau of Private and Postsecondary Education (BPPE), and the costs of the program could vary.

The Impartial Hearing Officer determined that there was no evidence in the record that the AWS Bootcamp training appellant requested is BPPE approved or that it has an exemption. Under these circumstances, appellant had not established by the preponderance of the evidence that he meets the requirements for approval of the requested training. The appeal was denied.

**6. SHN Number 104943642** **(San Francisco District)**

**Impartial Hearing Officer: L. Jamison**

**Decision Date: January 25, 2024**

**Applicable Regulations: California Code of Regulations, title** **9, sections 7128, 7131, 7149, 7154, 7160**

Appellant alleged that DOR improperly discontinued physical restoration services for vision, speech, and hearing. At the hearing, DOR maintained its agreement to pay the outstanding balance for Ophthalmology services through October 5, 2023, and that payment was authorized and imminent.

The Impartial Hearing Officer determined that the appeal was granted in part and denied in part. The DOR was ordered to abide by its agreement to pay Ophthalmology the outstanding balance due for vision services through October 5, 2023, as agreed upon. It was also determined that the evidence failed to establish a finalized IPE, a review/approval in writing prior to the provision of the service/purchase, and a review by the parties as appropriate to the service being rendered or the purchase being authorized. The DOR was ordered to promptly conduct an assessment to determine whether the IPE should be amended. In all other respects the appeal was denied.

**7. SHN Number 104954457 (Greater East Bay District)**

**Impartial Hearing Officer: E. Palomares**

**Decision Date: February 8, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections 7354, 7355, *Wilson & Wilson v. City Council of Redwood City* (2011) 191 Cal.App.4th 1559 at 1574.**

Appellant alleged her DOR counselors failed to provide satisfactory services by not communicating with her regarding her IPE. Appellant testified that she had been trying to develop her IPE since October 2023. She acknowledged missing one meeting due to illness. She also testified that after she filed this hearing request in November 2023, DOR had been better at communicating with her and that she wanted to change her career goal. The DOR representative responded that after eligibility was determined and the parties had met, a Plan Development Extension was approved.

The Impartial Hearing Officer determined that the evidence established that appellant applied for DOR services on April 2023, but her IPE had not been developed at the time she filed the hearing request on November 8, 2023. Since the filing of the hearing request the issue had been resolved and appellant requested that her claim be dismissed as moot. It was concluded that under these circumstances events had made any effective relief impractical. Accordingly, the claim was dismissed.

**8. SHN Number 104953093 (Greater Easy Bay District)**

**Impartial Hearing Officer: E. Palomares**

**Decision Date: March 25, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections 7029, 7128, 7161**

Appellant is a DOR consumer who was dissatisfied with DOR’s denial of an IPE retroactive to May 10, 2023. Appellant was also dissatisfied with DOR’s denial of his request for reimbursement of transportation expenses. The DOR representative argued that since appellant did not have a valid IPE in place since April 2023, the DOR could not reimburse appellant for any transportation services or provide any equipment and software.

The Impartial Hearing Officer determined that DOR correctly denied appellant’s request for development of an IPE retroactive to May 10, 2023, because there was no legal authority to support such a request. The DOR also correctly denied appellant’s request for reimbursement of transportation expenses from May 2023 through March 2024 because there was no IPE in place during those months. Because no IPE was in place, DOR was not required to provide appellant with the requested equipment and software. The DOR stipulated to complete the processing of requested reimbursement for transportation costs for March 2023. The claim was otherwise denied.

**9. SHN Number 104954693 (Blind Field Services)**

**Impartial Hearing Officer: E. Palomares**

**Decision Date: July 24, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections 7262, 7354, 7355, 7356**

Appellant requested a fair hearing alleging that DOR had failed to provide adequate services for the blind. The DOR representative responded that appellant was on her fifth case with DOR since 2019. She had received services, but the services did not result in her employment. Appellant’s case was closed because of no activity. The DOR representative stated that there are independent living services available for appellant. She also testified that DOR helps consumers by paying for transportation fees to allow the consumer to get to an independent living program, and that DOR remains willing to ensure that appellant receives the services she needs.

The Impartial Hearing Officer determined that there was insufficient evidence to support that there had been a denial of services or that the issues raised were within the jurisdiction of the appeals process. Further, there was insufficient evidence to support that appellant was not advised of her mediation and appeal rights by DOR staff. Therefore, this portion of the claim was dismissed. The remainder of the claim was granted by stipulation, since DOR agreed to reopen appellant’s DOR case and assign appellant a new counselor.

**10. SHN Number 104955543 (San Jose District)**

**Impartial Hearing Officer: S. Shaffer**

**Decision Date: January 30, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections 7024, 7029, 7128, 7130, 7140, 7151, 7154, 7161**

Appellant requested a fair hearing alleging DOR improperly denied driving lessons, coverage of necessary transportation, and better job assistance. The DOR responded that DOR did approve, as a short-term support, payment for three driving lessons because at the time appellant’s IPE identified employment as a stock clerk employer. However, appellant no longer had that job as a stock clerk with that employer and was unemployed. Therefore, driving lessons were not needed for him to travel to and from that employer and a DOR contractor. Instead, DOR approved Transportation Services for appellant in the form of a paratransit bus pass and through Uber.

The Impartial Hearing Officer determined that appellant did not establish his eligibility for payment of driving lessons as a covered Vocational Rehabilitation Training Service or Transportation Service. Driving lessons are not reasonable or necessary for appellant in his pursuit of his current IPE to work as a stock clerk. It was also concluded he was not denied appropriate counseling, guidance and referral services. Appellant’s appeal was denied.

**11. SHN Number 104956601 (San Jose District)**

 **Impartial Hearing Officer: K. Turner**

 **Decision Date: September 24, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections 7019, 7029, 7128, 7131, 7149, 7154, 7161, 7162, 7354**

Appellant requested a fair hearing alleging grievances against DOR and requesting that DOR be ordered to provide a change of counselor, dental work, transportation funds, car repairs, DOR “buying” appellant out of the program, and $1,000,000.00 to start her own business. The DOR representatives responded that the DOR employee with whom appellant prefers to work with is not an employment counselor and the appellant had been assigned a counselor in a different office pursuant to her own request. The DOR representatives also testified that appellant had not been denied dental work, transportation funds, or funds for car repairs and had been provided with all the information necessary for her to request assistance with those items.

The Impartial Hearing Officer determined that a preponderance of the evidence established that DOR had not denied a requested service or taken any form of an adverse action regarding a requested service. The DOR provided appellant with a new counselor at her request, gave her information on how to request funding for dental work, and paid for her covered car repairs. There is no legal requirement that DOR give appellant money and no IPE stating appellant wished to become a business owner. The appeal was dismissed for lack of jurisdiction.

**12. SHN Number 104961357 (Santa Barbara District)**

 **Impartial Hearing Officer: I Shad**

 **Decision Date: February 28, 2024**

 **Applicable Regulations: California Code of Regulations, title 9,**

 **sections 7062, 7128, 7130, 7131, 7179, 7190, 7191**

Appellant requested a fair hearing alleging that DOR had improperly denied appellant’s request for $645 for clothing, undergarments, and shoes to participate in an internship in pursuit of work as a social worker. The DOR maintained that they will not authorize specific services if a consumer, when required to financially participate, refuses or fails to do so.

The Impartial Hearing Officer determined that the weight of the evidence indicated that appellant failed to qualify for an exemption from requisite financial participation. The regulations governing the provision of vocational rehabilitation services stipulate that DOR consumers may be required to financially participate in the cost of certain services, as outlined in the California Code of Regulations, Title 9, Section 7190. This includes the necessity for consumers to provide financial information through the Statement of Financial Status Form DR 233 to determine their financial participation. Because appellant failed to complete this form as a prerequisite for financial assistance, the appeal was denied.

**13. SHN Number 104972580 (San Francisco District)**

 **Impartial Hearing Officer: A. Ohanganian**

 **Decision Date: April 4, 2024**

 **Applicable Regulations: California Code of Regulations, title 9,** **sections 7128, 7130, 7131, 7149, 7160, 7170, 7174, 7179, 7310**

Appellant requested a fair hearing regarding DOR’s denial of appellant’s request that DOR reinstate tutoring services effective January 3, 2024. Appellant alleged that she needed a tutor for support with a reading class that was part of her IPE. The DOR stated a substantial number of tutoring services were provided to appellant for two years, and a total of $212,184.70 was authorized for this service. The DOR therefore determined to discontinue tutoring, while continuing to provide occupational skills services as part of the IPE.

The Impartial Hearing Officer determined that based on the preponderance of the evidence, appellant had not met her burden to establish that DOR was obligated to reinstate and continue to provide additional tutoring services. The evidence supported that DOR’s actions were consistent with its obligations under the regulations and applicable laws. It was noted that appellant continues to receive other services and that reading training is included in the occupational skills training in accordance with the provisions of the IPE. The appeal was denied.

**14. SHN Number 104972862 (Greater Los Angeles District)**

 **Impartial Hearing Officer: E. Ammann**

 **Decision Date: June 19, 2024**

 **Applicable Regulations: California Code of Regulations, title 9,**

 **sections 7154, 7155, 7156, 7179.3, 7197**

In this case appellant requested a fair hearing regarding DOR’s denial of appellant’s request for full tuition assistance to a private college for fashion and costume design. Appellant also appealed DOR’s closure of appellant’s case.

The DOR responded that appellant was offered funding for the Spring 2024 semester, with tuition at the community college rate for up to the first two years of college in the amount of $600 per semester, and at the public equivalent tuition rate for the last two years of college in the amount of $28,360. Appellant would be responsible for the remaining balance for tuition while attending the private college. The DOR had closed appellant’s case because appellant did not continue to participate in vocational rehabilitation services.

The Impartial Hearing Officer determined that DOR correctly denied funding at attend the private college pursuant to 7155 and 7156. It was noted that 7156 of the regulations require that DOR clients use the least expensive educational institutions. In addition, pursuant to 7179.3, DOR correctly closed appellant’s case because appellant did not respond to DOR and DOR can, at any time, close a case if it determines that an individual is not participating in the vocational program. The appeal was denied.

**15. SHN 104977160 (San Jose District)**

 **Impartial Hearing Officer: A. Ohanganian**

 **Decision Date: April 18, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections 7029.9, 7149, 7131, 7154, 7157**

Appellant requested a fair hearing to dispute DOR’s denial of his request to participate in the Pathways to Success Project (“PSP”). The PSP Manager notified appellant in writing directly per his request, that he was not an appropriate candidate for the PSP program for the IT sector caseload. The DOR also notified appellant that the PSP did not find him as an appropriate candidate. The DOR Team Manager stated that DOR does not propose or initiate transfer to PSP and that DOR cannot force PSP to accept appellant.

The Impartial Hearing Officer determined that based on the preponderance of the evidence, appellant did not meet his burden to establish that DOR is obligated to provide PSP services. The Administrative Law Judge is bound by DOR’s governing rules and regulations and has no authority to disregard these legal requirements. The appeal was denied.

**16. SHN 104981665 (San Francisco District)**

 **Impartial Hearing Officer: A. Ohanganian**

 **Decision Date: April 4, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections 7130, 7160, 7174, 7310, 7351, 7354, 7355**

Appellant requested a fair hearing to dispute denials by DOR of appellant’s requests to reinstate physical restoration services and to conduct an assessment to determine whether her IPE should be amended to provide funding and payment of $3500 to a medical treatment provider. The DOR responded that appellant chose to work with a speech therapy service which was not a vendor of DOR. The DOR counselor stated that there was already a valid IPE, and it was determined that DOR had already gone well beyond what is required in authorizing therapy services.

The Impartial Hearing Officer determined that the preponderance of the evidence established that appellant received rehabilitation services in accordance with the provisions of a valid June 2023 IPE. Appellant had not met her burden to establish that DOR is obligated to reinstate and continue to provide restoration services. The evidence supported that DOR’s actions were consistent with its obligations under the regulations and applicable laws. The issues regarding an assessment and payment of $3500 were dismissed for lack of jurisdiction. The remainder of the appeal was denied.

**17. SHN 104986835 (Greater Los Angeles District)**

 **Impartial Hearing Officer: K. Turner**

 **Decision Date: April 25, 2024**

 **Applicable Regulations: California Code of Regulations, title 9,**

 **sections 7013.2, 7019, 7029, 7128, 7131, 7149, 7161, 7173, 7174, 7354**

Appellant claimed that DOR denied payment for school equipment, transportation funds, failed to communicate, and denied payment of $84.00 for the towing of his vehicle. The DOR responded that appellant had been provided with most of the items requested, and that an evaluation was needed to determine if appellant’s vehicle could be repaired. The DOR representative testified that DOR had been consistently working on appellant’s IPE and that some delays in communication were due to DOR needing to verify information and conduct research before deciding on whether it could legally provide services or goods to appellant.

The Impartial Hearing Officer determined that a preponderance of the evidence established that DOR had not denied a requested service or taken any form of adverse action regarding a requested service. The DOR provided appellant with equipment necessary to complete the two courses in which he was enrolled and more. The DOR likewise provided appellant with transportation funds and had not denied appellant car repair. The appeal was dismissed for lack of jurisdiction.

**18. SHN 104986863 (Orange/San Gabriel District)**

 **Impartial Hearing Officer: L. Jamison**

 **Decision Date: May 31, 2024**

 **Applicable Regulations: California Code of Regulations, title 9,**

 **sections 7019, 7131, 7161.5, 7174, 7311**

Appellant requested a fair hearing after DOR denied appellant’s request for vehicle repairs and reimbursement for wi-fi services. Appellant also claimed DOR delayed services and that there was a lack of quality and timeliness of services, including payment of tuition. The DOR maintained that it was not obligated to provide vehicle repair services, and that it was appellant’s responsibility to maintain her vehicle. The DOR also responded that appellant’s IPE did not indicate services for wi-fi, this service was not requested, and no prior approval was given by appellant’s counselor.

The Impartial Hearing Officer determined that appellant was financially capable of assuming costs for transportation. Because her classes were online, car repairs did not affect her ability to participate in her IPE. It was also undisputed that appellant did not receive a written authorization prior to purchase of wi-fi services. Appellant’s claim regarding DOR delaying services and the payment of tuition was dismissed for lack of jurisdiction because DOR had taken no adverse action regarding payment of tuition and all tuition payment requests were paid. The appeal for vehicle repairs and reimbursement for wi-fi services was denied.

**19.** **SHN 104987487 (San Jose District)**

 **Impartial Hearing Officer: L. McLain**

 **Decision Date: April 25, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections 7029.9, 7128, 7131, 7149, 7354, 7356, 7357**

Appellant requested a hearing regarding DOR’s denial of appellant’s request for $1,406.39 for a custom bookcase. Appellant claimed that the bookcase was necessary to assist her in studying for the California Bar Exam. Appellant claimed that this was in accordance with her IPE goal to become a lawyer. The DOR responded that it could not proceed with this request due to the limitations outlined in the regulations regarding fair and reasonable purchases.

The Impartial Hearing Officer determined that appellant’s testimony was unpersuasive. The bookcase was not necessary in preparation for the bar exam or to achieve her IPE goal of becoming a lawyer. It was noted that DOR remains agreeable to provide appellant with an alternative to the custom bookcase at a fair and reasonable cost. The appeal was denied.

**20.** **SHN 104997193 (Santa Barbara District)**

 **Impartial Hearing Officer: A. Ohanganian**

 **Decision Date: September 5, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections 7029.9, 7128, 7131, 7351, 7354**

DOR denied appellant’s request for payment of his on-campus housing fees while participating at appellant’s chosen training program (University). The DOR maintained that college student housing is a long-term expense that is considered normal expenses to attend college, which would not fit the definition of a maintenance service. The DOR stated it is not able to support paying appellant’s long-term expense of on-campus housing fees.

The Impartial Hearing Officer determined maintenance is a monetary support provided to an individual for expenses that are in excess of the normal expenses of the individual and that are necessitated by the individual’s receipt of vocational rehabilitation services under an IPE. The regulations clearly prohibit the payment of expenses in excess of an individual’s “normal”, “everyday” or “basic” living expenses. The regulations regarding “maintenance” do not permit DOR to pay appellant’s on-campus housing fees. The appeal was denied.

**21.** **SHN 105000129 (Redwood Empire District)**

 **Impartial Hearing Officer: R. Aganon**

 **Decision Date: June 12, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections 7060, 7161, 7162.5, 7350, 7351, 7353.6**

Appellant requested a fair hearing to dispute DOR’s decision to close her case. The DOR responded that appellant demonstrated a pattern of inappropriate and threatening communication with DOR staff. The DOR maintained that appellant had 4 cases with DOR, all closed unsuccessful, due to failure to cooperate.

The Impartial Hearing Officer determined that appellant’s actual issue at the hearing revolved around obtaining assistance for vehicle repair. The DOR representative testified that he was unaware of appellant’s issue regarding the claim for assistance for vehicle repairs and had taken no action on that issue. The claim was dismissed for lack of jurisdiction. Even if jurisdiction were to be found, appellant would not be entitled to the cost of vehicle repair because the appellant presented no evidence of a requirement to operate her own vehicle to complete the agreed upon IPE.

**22.** **SHN 105002234 (Northern Sierra District)**

 **Impartial Hearing Officer: I. Shad**

 **Decision Date: June 19, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections 7029.9, 7128, 7181, 7179**

Appellant requested a fair hearing to dispute the closure of his case. The DOR maintained that it acted in accordance with the regulations by providing counseling and guidance, and that appellant had failed to cooperate. Despite multiple counseling and guidance sessions, appellant did not participate actively in developing the IPE, leading to a decision to close his case.

The Impartial Hearing Officer determined that DOR operates under various regulations that outline the responsibilities and requirements for individuals seeking services, and that individuals are responsible for participating and cooperating in the process by providing necessary information to determine eligibility and develop an IPE. Failure to provide an executed DR 260 Form, or otherwise provide the necessary information, can be considered a failure to cooperate. The appeal was denied.

**23**. **SHN 105005826 (Van Nuys/Foothill District)**

 **Impartial Hearing Officer: L. Colbert**

 **Decision Date: June 19, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections 7020.9, 7128, 7131, 7351, 7354**

In this case appellant requested a fair hearing claiming that DOR prematurely closed his case and failed to develop an IPE that reflected appellant’s needs to gain employment. Appellant also disagreed with DOR’s counseling services. The DOR maintained that the record of service demonstrated numerous attempts to contact appellant and that all had failed. The DOR’s position was that the case could be re-opened, and that services would be provided to appellant for the purposes of finding employment.

The parties agreed to a stipulation at the hearing. The DOR agreed to email an application to appellant to become a DOR participant again immediately after the hearing, transfer appellant’s case to another DOR Office, request a new counselor for appellant, and request that the other DOR office expedite appellant’s application and assessment. Therefore, the appeal was granted by stipulation.

**24**. **SHN 105005956 (Greater East Bay District)**

 **Impartial Hearing Officer: E. Ammann**

 **Decision Date: July 10, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections 7006, 7019, 7029, 7128, 7149, 7154, 7162, 7197, 7311, 7354**

Appellant requested a fair hearing regarding DOR’s alleged denial of payments for tuition, educational expenses, a transportation stipend, and reimbursement for the cost of seeking employment. Appellant also raised grievances against DOR concerning receipt of information and asserted that DOR should also pay for Moot Court Expenses and a new printer and computer. The DOR representative asserted that DOR could not authorize payment because tuition fees had been incurred outside the IPE. The DOR also responded that a list of books and supplies would be needed to determine what to approve, a transportation stipend had already been approved, and it could not pay for employment expenses because those services were not included in appellant’s IPE.

The Impartial Hearing Officer determined that DOR correctly denied the payment of tuition fees and educational expenses pursuant to the regulations. The DOR also correctly denied appellant’s request to increase her transportation stipend and reimburse the cost of seeking employment, because the IPE did not provide for these services. It was determined that the evidence did not support a finding that appellant requested her IPE to be changed to self-employment and that the request was denied. Instead, the evidence showed that appellant felt she was not made aware of her choice to request a change. Because the Administrative Law Judge could only adjudicate issues involving an adverse action, these claims were dismissed for lack of jurisdiction. The remainder of the appeal was denied.

**25.** **SHN 105036219 (Orange/San Gabriel District)**

 **Impartial Hearing Officer: R. Aganon**

 **Decision Date: September 13, 2024**

**Applicable Regulations: California Code of Regulations, title 9, sections 7006, 7060, 7128, 7197**

Appellant requested a fair hearing after DOR denied her request to pay her outstanding college tuition in the amount of $4,021.13 for Spring, 2024. The DOR responded that it assisted appellant with tuition funding pursuant to the regulations. Appellant had actually received additional funding in financial aid, grants, and scholarships which could be applied toward tuition and other school related fees. By failing to submit the required financial award or denial letter, appellant was not following her IPE.

The Impartial Hearing Officer determined that based on the evidence, appellant was not entitled to receive payment assistance with the outstanding tuition $4,021.13 for Spring 2024. Pursuant to 7197(b) and (c) of the Title of the California Code of Regulations, DOR was required to reduce the amount of tuition assistance for the Spring 2024 based on the financial awards that appellant had received. The appeal was denied.