



State of New Jersey

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Assistant Commissioner

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **09612-24 M.A.**

AGENCY DKT. NO. **C040022001 (ATLANTIC CO. DEPT OF FAM. & COM. DEV)**

Petitioner appeals from Respondent Agency's correctness of the Agency's motel placement. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On July 18, 2024, the Honorable Joan M. Burke, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On July 19, 2024, the ALJ issued an Initial Decision, affirming the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision, and AFFIRM the Agency's determination.

The Agency shall determine the most appropriate form of EA which is "required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3(a)(1).

Here, the ALJ found that the Agency had addressed and investigated Petitioner's alleged complaints about the inhabitability of two motel placements, first, by placing her in another motel, the Travelodge, and then, by sending an investigator out to the Travelodge to determine the conditions complained of by Petitioner of three of the motel rooms in which she was placed by Travelodge management. See Initial Decision at 2-3; see also Exhibit R-1 at 30, 32, 33, 43. The record reflects that the two rooms inspected were clean and pest free. See Initial Decision at 3; see also Exhibit R-1 at 44. The Investigator was unable to inspect the third motel room where Petitioner is currently residing, and had alleged that mushrooms were growing out of the rug, because she was not in the room at that time. Ibid. Although Petitioner provided pictures of the alleged growing mushrooms, the ALJ did not find said pictures credible. See Initial Decision at 4-5; see also Exhibit P-1. The ALJ determined that the issue here is whether the Agency can authorize a change of rooms at a facility. See Initial Decision at 4. In that regard, the ALJ found that the Agency had appropriately placed Petitioner at the Travelodge motel, had been assisting Petitioner in addressing her housing complaints, and that the Agency has no control over which room the Travelodge management provides to Petitioner. See Initial Decision at 3-5; see also Exhibit R-1 at 44, 49, 50, 52. Based on the testimony and documentation provided, the ALJ affirmed the Agency's motel placement at the Travelodge. See Initial Decision at 5; see also N.J.A.C. 10:90-6.3(a)(1). I agree.

By way of comment, based on the ALJ's suggestion that Petitioner be moved to another room, realizing that the Agency has no control over which room she may be provided, I suggest that the Agency contact the Travelodge to request that she be moved one last time, if necessary. See Initial Decision at 5.



Accordingly, the Initial Decision is ADOPTED and the Agency's action is AFFIRMED.

Officially approved final version. July 30, 2024

Natasha Johnson
Assistant Commissioner

