

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
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DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS

2010 JUL 12 P 2:48

STEVENSON SAMUELS

Petitioner,

v.

UNITED HOUSE OF PRAYER

Respondent.

Case No.: 2009-OAH-DHCD-0000067

Agency No.: TP 29,789

In re: 1100 McCollough Court, NW
#302

FINAL ORDER

On December 8, 2009, Tenant/Petitioner Stevenson Samuels filed Tenant Petition (TP) 29,789 with the Rental Accommodations Division of the Department of Housing and Community Development, complaining of violations of the Rental Housing Act of 1985 by Housing Provider United House of Prayer at the Housing Accommodation, 1100 McCollough Court, NW. On June 22, 2010, this administrative court issued a Case Management Order scheduling this matter for hearing on July 28, 2010, at 9:30 a.m.

On June 30, 2010, Tenant submitted a letter stating: "I request total withdrawal from TP 29789 with the Rent Administrator's Office immediately." I construe this letter to be a motion to withdraw under OAH Rule 2817.1.


The District of Columbia Administrative Procedure Act, D.C. Official Code § 2-509(a) provides that: "any contested case may be disposed of by stipulation, agreed settlement, consent

order, or default.” The rules of this administrative court allow a petitioner to file a motion for voluntary dismissal of any action and for the administrative law judge to “grant a summary motion for voluntary dismissal without awaiting a response from the respondent.” OAH Rule (1 District of Columbia Municipal Regulations) 2817.1. Such a dismissal ordinarily is without prejudice, unless otherwise stipulated by the parties. OAH Rule 2817.3.

Accordingly, it is this 12th day of July 2010,

ORDERED that TP 29,789 is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that the appeal rights of any party aggrieved by this Final Order are set forth below.



Nicholas H. Cobbs
Administrative Law Judge

MOTIONS FOR RECONSIDERATION

Any party served with a final order may file a motion for reconsideration within ten (10) days of service of the final order in accordance with 1 DCMR 2937. When the final order is served by mail, five (5) days are added to the 10 day period in accordance with 1 DCMR 2811.5.

A motion for reconsideration shall be granted only if there has been an intervening change in the law; if new evidence has been discovered that previously was not reasonably available to the party seeking reconsideration; if there is a clear error of law in the final order; if the final order contains typographical, numerical, or technical errors; or if a party shows that there was a good reason for not attending the hearing.

The Administrative Law Judge has thirty (30) days to decide a motion for reconsideration. If a timely motion for reconsideration of a final order is filed, the time to appeal shall not begin to run until the motion for reconsideration is decided or denied by operation of law. If the Judge has not ruled on the motion for reconsideration and 30 days have passed, the motion is automatically denied and the 10 day period for filing an appeal to the Rental Housing Commission begins to run.

APPEAL RIGHTS

Pursuant to D.C. Official Code §§ 2-1831.16(b) and 42-3502.16(h), any party aggrieved by a final order issued by the Office of Administrative Hearings may appeal the final order to the District of Columbia Rental Housing Commission within ten (10) business days after service of the final order, in accordance with the Commission's rule, 14 DCMR 3802. If the final order is served on the parties by mail, an additional three (3) days shall be allowed, in accordance with 14 DCMR 3802.2.

Additional important information about appeals to the Rental Housing Commission may be found in the Commission's rules, 14 DCMR 3800 et seq., or you may contact the Commission at the following address:

District of Columbia Rental Housing Commission
441 4th Street, NW
Suite 1140 North
Washington, DC 20001
(202) 442-8949

Certificate of Service:

By First-Class Mail (Postage Pre-Paid):

Stevenson Samuels
1100 McCollough Court, NW #302
Washington, DC 20001

United House Of Prayer
1117 7th Street, NW
Washington, DC 20001

By Inter-Agency Mail:

District of Columbia Rental Housing Commission
441 4th Street, NW
Suite 1140 North
Washington, DC 20001

Theresa Lewis, Acting Rent Administrator
District of Columbia Department of Housing and Community Development
Housing Regulation Administration
1800 Martin Luther King Jr. Avenue, SE
Washington, DC 20020

I hereby certify that on 7-12, 2010 this document was caused to be served upon the above-named parties at the addresses and by the means stated.


Clerk / Deputy Clerk