

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

TP 24,979

In re: 6980 Maple Street, N.W., Unit 12

Ward Four (4)

GBUTU-KLA BEDELL  
Tenant/Appellant

v.

JOHN CLARK  
Housing Provider/Appellee

**ORDER DISMISSING APPEAL AND REMAND**

**January 29, 2004**

**BANKS, CHAIRPERSON.** On January 6, 2004, Gbutu-Kla Bedell, Tenant, filed a notice of appeal. However, this case is scheduled for a hearing before the Rent Administrator on March 4, 2004. Therefore, a final decision and order was not issued by the Rent Administrator. As stated in the Commission's order dated October 16, 2003 in this case:

The Commission sua sponte raised the issue of jurisdiction over the notice of appeal. The Commission's rule, 14 DCMR § 3802.1 (1991), provides: "[a]ny party aggrieved by a final decision of the Rent Administrator may obtain review of that decision by filing a notice of appeal with the Commission." Pursuant to 14 DCMR § 3807.1 (1991), the Commission has jurisdiction over appeals from final decisions and orders. In the instant appeal the final decision has not been issued, as is evident from the order, which states the de novo hearing is scheduled for October 23, 2003. Accordingly, the Commission does not have jurisdiction over this appeal. See Warner v. District of Columbia Dep't of Employment Servs., 587 A.2d 1091 (D.C. 1991) (dismissal based on lack of jurisdiction on a non-final order); District of Columbia v. Tschuden, 390 A.2d 986 (D.C. 1978) cited in Sindram v. Borger Mgmt., TP 27,392 (RHC June 25, 2002); Pegram v. Cooper, TP 27,003 (RHC June 26, 2001) (where the Commission held the notice of appeal was not from a final order of the Rent Administrator and dismissed the appeal). Accordingly, the notice of

appeal is dismissed as not from a final order, and the parties are to appear for the Rent Administrator's hearing scheduled for October 23, 2003.

Clark v. Bedel, TP 24,979 (RHC Oct. 16, 2003).

For the second time in this case, the Commission must dismiss the appeal and remand this case to the Rent Administrator, because the appeal is not from a final order of the Rent Administrator, as is evident based on the hearing scheduled for March 4, 2004.

SO ORDERED.

  
RUTH R. BANKS, CHAIRPERSON

#### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order Dismissing Appeal and Remand in TP 24,979 was mailed by priority mail, with confirmation of delivery, postage prepaid this 29th day of January, 2004, to:

Morris R. Battino, Esquire  
1200 Perry Street, N.E.  
Suite 100  
Washington, D.C. 20017

Gbutu-Kla Bedell  
P. O. Box 5284  
Takoma Park, MD 20913

  
LaTonya Miles  
Contact Representative  
(202) 442-8949

#### MOTIONS FOR RECONSIDERATION

Pursuant to 14 DCMR § 3823 (1991), final decisions of the Commission are subject to reconsideration or modification. The Commission's rule, 14 DCMR § 3823.1 (1991), provides, "[a]ny party adversely affected by a decision of the Commission issued to

dispose of the appeal may file a motion for reconsideration or modification with the Commission within ten (10) days of receipt of the decision.”