

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

TP 24,979

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

Ward Four (4)

JOHN CLARKE  
Housing Provider/Appellee

v.

GBUTU-KLA BEDELL  
Tenant/Appellee

**ORDER DISMISSING APPEAL**

**October 16, 2003**

**BANKS, CHAIRPERSON.** On April 29, 2003, the Commission remanded this case for a hearing de novo. On September 26, 2003, on remand the hearing examiner issued an order, which denied the Housing Provider's motion to dismiss the tenant petition, and stated that the remand hearing was scheduled for October 23, 2003. On October 14, 2003, counsel for the Housing Provider filed a notice of appeal in the Commission from the order dated September 26, 2003. The Housing Provider, through counsel, asserts the hearing examiner made errors in the order, which denied the motion to dismiss.

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.

SO ORDERED.



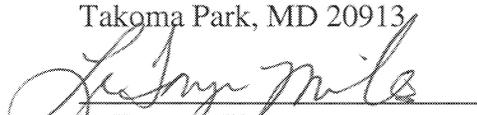
RUTH R. BANKS, CHAIRPERSON

#### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing (Order Dismissing Appeal) in TP 24,979 was mailed by priority mail, with confirmation of delivery, postage prepaid this **16<sup>th</sup> day of October, 2003**, 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