

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 26,179

In re: 1530 Rhode Island Avenue, N.E., Unit 103

TRAVIS B. WOOD

Tenant

v.

EDWARDS APARTMENTS

Housing Provider

ORDER WITHDRAWING COMMISSION INITIATED REVIEW

March 18, 2003

LONG, COMMISSIONER. Pursuant to a delegation of authority from the Rent Administrator, Administrative Law Judge (ALJ) Rorey Smith issued a decision and order in TP 26,179 on July 25, 2002. In the text of the decision and order, the ALJ stated that the Office of Adjudication (OAD) provided the parties with notice of the hearing by sending the hearing notices by "regular and priority mail on March 26, 2001." Wood v. Edwards Apartments, TP 26,179 (OAD July 25, 2002) at 1. The decision did not contain the hearing date. However, the ALJ stated that neither party appeared for the hearing.

The Commission initiated review of the decision and order in TP 26,179 pursuant to the Rental Housing Act of 1985, D.C. OFFICIAL CODE § 42-3502.16(h) (2001) and 14 DCMR § 3808 (1991).¹ The Commission initiated review of the Rent Administrator's decision, because the

¹ The regulation, 14 DCMR § 3808 (1991), provides:

3808.1 Not later than twenty (20) days after the deadline for the parties to file an appeal, the Commission may initiate a review of any decision of the Rent Administrator.

ALJ dismissed the petition when “[d]elivery confirmation to the Petitioner and Respondent could not be confirmed, [and] the OAD [could] not assume that delivery of the Notice of Hearing to the parties was effective.” Wood at n.1.

The Commission mailed the notice of initiated review to the parties by priority mail with delivery confirmation on August 27, 2002. The Commission’s record reflects that the United States Postal Service (USPS) delivered the notice of initiated review to the record addresses for the housing provider, Edwards Apartments, and the tenant, Travis B. Wood, on August 28, 2002. On November 19, 2002, the Commission mailed its hearing notices to the parties, by priority mail with delivery confirmation. The record indicates that the USPS delivered the hearing notices to each party’s address on November 20, 2002. On January 8, 2003, the Commission convened the hearing on initiated review. However, neither party appeared for the hearing.

The Commission initiated review in this matter to ensure that the parties received notice, before OAD dismissed the petition. Since there is record evidence that the USPS delivered the Commission’s notice of initiated review and notice of hearing to the parties’ addresses of record, the Commission is satisfied that the parties received notice in accordance with D.C. OFFICIAL CODE § 42-3502.16 (2001) and Joyce v. District of Columbia Rental Hous. Comm’n, 741 A.2d

3808.2 The Commission shall serve the parties who appeared before the hearing examiner with its reasons for initiating a review and shall inform them of their right and opportunity to present arguments on the issues identified by the Commission.

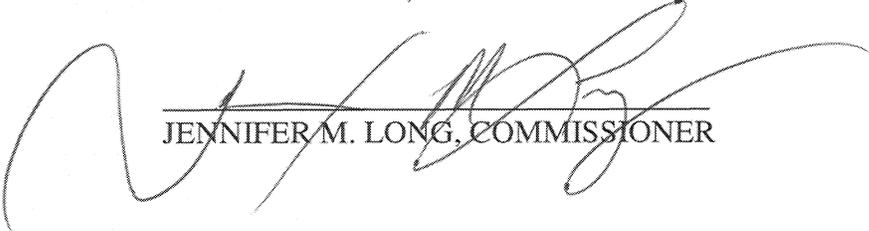
3808.3 All due process rights afforded parties in a review commenced by a notice of appeal shall also be provided when the review is initiated by the Commission.

3808.4 In appeals initiated pursuant to this section, the provisions of §§3802.10, 3802.11 and 3805.5 shall not apply.

24 (D.C. 1999). Since neither party appeared for the duly noticed hearing, the Commission withdraws its initiated review.

SO ORDERED.


RUTH R. BANKS, CHAIRPERSON


JENNIFER M. LONG, COMMISSIONER

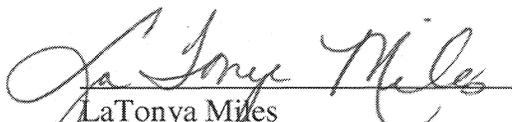
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order Withdrawing Commission Initiated Review in TP 26,179 was mailed by priority mail with delivery confirmation, postage prepaid, on this 18th day of March, 2003 to:

Travis B. Wood
1530 Rhode Island Avenue, N.E.
Apartment 103
Washington, D.C. 20018

Edwards Apartments
1511 Rhode Island Avenue, N.E.
Washington, D.C. 20018

Edwards Apartments
1511 Franklin Street, N.E.
Washington, D.C. 20018-2061


LaTonya Miles
Contact Representative