

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,392

WARD FOUR (4)

In re: 6817 Georgia Avenue, N.W.

MICHAEL SINDRAM
Tenant/Appellant

v.

BORGER MANAGEMENT
Housing Provider/Appellee

ORDER DISMISSING APPEAL

June 25, 2002

BANKS, CHAIRPERSON. On June 20, 2002, Michael Sindram, Tenant/Appellant filed a document entitled, "Motion for Reconsideration/Notice of Appeal" in the Commission. The document is rejected as a notice of appeal, because a notice of appeal must be from a final decision and order of the Rent Administrator, and no final decision and order was issued in this case. In addition, it does not comply with the rules of the Commission.

The Commission's jurisdiction over notices of appeal is based on D.C. OFFICIAL CODE § 42-3502.02 (2001), which states that the Commission's jurisdiction is to decide appeals from decisions and orders of the Rent Administrator. 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." See Cohen v. Beneficial Industrial Loan Corp. 337 U.S. 541 (1949); West v. Morris, 711 A.2d 1269 (D.C. 1998); District of Columbia v. Tschuden, 390 A.2d 986

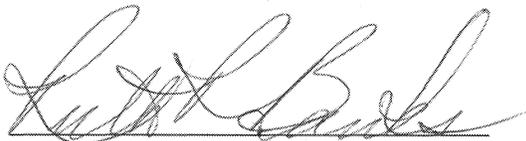
(D.C. 1978) cited in Borger Mgmt., Inc. v. Bennett, TP 22,402 (RHC Nov. 14, 1991); Pegram v. Cooper, TP 27,003 (RHC June 26, 2001). Mr. Sindram, does not appeal from a final decision of the Rent Administrator. In fact, the hearing in the Office of Adjudication (OAD) was scheduled for Monday, June 24, 2002, which was four (4) days after Mr. Sindram filed the notice of appeal in the Commission.¹

In addition, the Commission's rules that the notice of appeal does not comply with follow:

1. A statement of the errors in the decision and order, case number, and telephone number of appellant, as required by 14 DCMR § 3802.5 (1991);
2. A certificate of service with the names and addresses of the parties or their counsel as required by 14 DCMR § 3803.7 (1991);
3. The original document and four copies must be filed in the Commission, as required by 14 DCMR § 3801.7 (1991); and
4. A certificate of service as required by 14 DCMR § 3803.7 (1991).

The document filed by the Tenant was not from a final order and did not comply with the requirements for a notice of appeal as stated in the above rules. Accordingly, the notice of appeal is rejected and the appeal is dismissed.

SO ORDERED.


RUTH R. BANKS, CHAIRPERSON

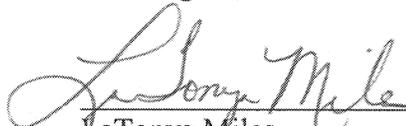
¹ See Sindram v. Borger Mgmt., TP 27,392 (OAD June 18, 2002) (where OAD issued an order continuing the hearing to June 24, 2002 at Mr. Sindram's request.)

CERTIFICATE OF SERVICE

I certify that a copy of the forgoing Order Dismissing Appeal was mailed postage prepaid this 25th day of June, 2002 by priority mail with confirmation of delivery to:

Michael Sindram
6817 Georgia Avenue, N.W.
Unit 204
Washington, D.C. 20012

Kreceda Page
Borger Management
6817 Georgia Avenue, N.W.
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LaTonya Miles
Contact Representative