

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,629

TP 27,703

KAREN STEELMAN
RUSSELL POLLARD, JR.
Appellants/Tenants

v.

DONATUS UZOMAH
Housing Provider/Appellee

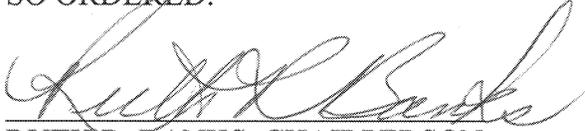
ORDER DISMISSING NOTICE OF APPEAL

July 3, 2003

BANKS, CHAIRPERSON. On April 16, 2003, the hearing examiner in the Office of the Rent Administrator issued the decision and order, which is the subject of the notice of appeal timely filed in the Commission by the Tenants. The notice of appeal is fatally defective for several reasons. First, the notice of appeal does not state any errors in the decision and order in violation of the Commission's rule, 14 DCMR § 3802.5 (1991). The Commission's rule, 14 DCMR § 3802.13, states, "The Commission may dismiss an appeal for failure to comply with the requirements of § 3802.5." Second, the notice of appeal requested the introduction of new evidence consisting of photographs and a letter, which the Tenants allege were not available to the Tenants during the hearing. That request violates the Commission's rule, 14 DCMR § 3807.5 (1991), which states, "[t]he Commission shall not receive new evidence on appeal." Finally, the notice of appeal is in the format of a motion for reconsideration, which should have been filed in

the Office of the Rent Administrator.¹ Therefore, based on the Commission's rules, the Commission dismisses the notice of appeal, which did not conform to its rules and impermissibly requested the consideration of new evidence not admitted at the hearing.

SO ORDERED.


RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER DISMISSING APPEAL in TP 27,629 and TP 27,703 was mailed by priority mail, with confirmation of delivery, postage prepaid this **3rd day of July, 2003**, to:

Karen Steelman
Russell Pollard, Jr.
1340 Nicholson Street, N.W., Apt. 2
Washington, D.C. 20011

Donatus Uzomah
3920 Oglethorpe Street
Hyattsville, MD 20782


Dorothy Comwell
Staff Assistant

¹ On June 3, 2003, the Tenants appeared in the Commission to check on the status of the appeal. They knew there was a discrepancy with the title of the notice of appeal stating, "~~Motion for Reconsideration~~" and the words, "Notice of Appeal" hand written above the words, "~~Motion for Reconsideration.~~" The Tenants did not file a document (motion) requesting that the Notice of Appeal be remanded to the Office of the Rent Administrator for a ruling on the document as a Motion for Reconsideration.