

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

TP 27,640

In re: 1415 Rhode Island Avenue, N.W., Unit 512

Ward Two (2)

HEIRENCE BATISTA  
Tenant/Appellant

v.

THE GELMAN MANAGEMENT CO.  
Housing Provider/Appellee

**ORDER DISMISSING APPEAL**

February 25, 2003

**BANKS, CHAIRPERSON.** On January 22, 2003, the Office of Adjudication (OAD) issued a decision and order. On February 13, 2003, the Tenant, Heirence Batista, filed a document entitled "NOTICE OF APPEAL." The notice of appeal is not within the time period for filing a notice of appeal.

The Law

The Rental Housing Act of 1985 provides that appeals may be made to the Commission from the decisions of the Rent Administrator within ten (10) days of the Rent Administrator's decision. D.C. OFFICIAL CODE § 42-3502.16(h) (2001).

The Commission is required by law to dismiss appeals that are untimely filed, because time limits are mandatory and jurisdictional. United States v. Robinson, 361 U.S. 209 (1960); Hija Lee Yu v. District of Columbia Rental Hous. Comm'n, 505 A.2d 1310 (D.C. 1986); Totz v. District of Columbia Rental Hous. Comm'n, 474 A.2d 827 (D.C. 1974). The Commission determines the time period between the issuance of the

OAD decision and the filing of the notice of appeal by counting only business days, as required by its rules. See 14 DCMR § 3802.2 (1991); Town Center v. District of Columbia Rental Hous. Comm'n, 496 A.2d 264 (D.C. 1985).

The Commission's Order

OAD notified the parties that an appeal must be filed within ten days, no later than February 10, 2003. The notice of appeal was untimely filed on February 13, 2003, and therefore, the Commission is without jurisdiction to process the appeal. The appeal is dismissed.

SO ORDERED.

  
RUTH R. BANKS, CHAIRPERSON

#### CERTIFICATE OF SERVICE

I certify that a copy of the Order Dismissing Appeal in TP 27,640 was served by priority mail, with delivery confirmation, postage prepaid, this 22<sup>nd</sup> day of February, 2003, to:

Heirence Batista  
1415 Rhode Island Avenue, N.W.  
Unit 512  
Washington, D.C. 20005

Richard Luchs, Esquire  
1620 L Street, N.W.  
Suite 900  
Washington, D.C. 20036

Nick Pitsch  
The Gelman Management Co.  
2120 L Street, N.W.  
Suite 800  
Washington, D.C. 20037

  
LaTonya Miles  
Contact Representative