

**DISTRICT OF COLUMBIA  
OFFICE OF ADMINISTRATIVE HEARINGS**

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DISTRICT OF COLUMBIA  
OFFICE OF  
ADMINISTRATIVE HEARINGS

2010 MAY 25 10 3: 45

ROGER ROBINSON,  
Tenant/Petitioner

v.

MURIEL G. ATKINS,  
Housing Provider/Respondent.

Case No.: RH-TP-09-29723

Re: 417 W Street, NE, Unit 3

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**FINAL ORDER**

On September 25, 2009, Tenant/Petitioner Roger Robinson filed tenant petition (TP) 29,723 alleging violations of the Rental Housing Act of 1985. On May 17, 2010, Tenant, through his counsel, filed a motion for voluntary dismissal of the tenant petition.

The rules of this administrative court provide that a petitioner may file a summary motion for voluntary dismissal of any action and that the presiding judge may grant the motion without awaiting a response from the Respondent. OAH Rule 2817.1. The rules further provide that unless otherwise stipulated by the parties or otherwise provided by statute, a voluntary dismissal shall be without prejudice. OAH Rule 2517.4. Accordingly, the tenant petition is dismissed without prejudice. The hearing scheduled for May 18, 2010, is cancelled, *nunc pro tunc*.

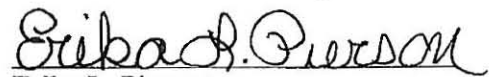
Therefore, it is this 25<sup>th</sup> day of May 2010:

**ORDERED**, that Tenants' motion for voluntary dismissal is hereby **GRANTED**; and it is further

**ORDERED**, that tenant petition 29,723 is hereby **DISMISSED WITHOUT PREJUDICE**; and it is further

**ORDERED**, that the hearing scheduled for May 18, 2010, is **CANCELLED**, *nunc pro tunc*; and it is further

**ORDERED**, that the reconsideration and appeal rights of any party aggrieved by this Order are set forth below.

  
Erika L. Pierson  
Administrative Law Judge

## MOTIONS FOR RECONSIDERATION

Any party served with a final order may file a motion for reconsideration within ten (10) days of service of the final order in accordance with 1 DCMR 2937. When the final order is served by mail, five (5) days are added to the 10 day period in accordance with 1 DCMR 2811.5.

A motion for reconsideration shall be granted only if there has been an intervening change in the law; if new evidence has been discovered that previously was not reasonably available to the party seeking reconsideration; if there is a clear error of law in the final order; if the final order contains typographical, numerical, or technical errors; or if a party shows that there was a good reason for not attending the hearing.

The Administrative Law Judge has thirty (30) days to decide a motion for reconsideration. If a timely motion for reconsideration of a final order is filed, the time to appeal shall not begin to run until the motion for reconsideration is decided or denied by operation of law. If the Judge has not ruled on the motion for reconsideration and 30 days have passed, the motion is automatically denied and the 10 day period for filing an appeal to the Rental Housing Commission begins to run.

## APPEAL RIGHTS

Pursuant to D.C. Official Code §§ 2-1831.16(b) and 42-3502.16(h), any party aggrieved by a Final Order issued by the Office of Administrative Hearings may appeal the Final Order to the District of Columbia Rental Housing Commission within ten (10) business days after service of the final order, in accordance with the Commission's rule, 14 DCMR 3802. If the Final Order is served on the parties by mail, an additional three (3) days shall be allowed, in accordance with 14 DCMR 3802.2.

Additional important information about appeals to the Rental Housing Commission may be found in the Commission's rules, 14 DCMR 3800 et seq., or you may contact the Commission at the following address:

District of Columbia Rental Housing Commission  
441 4<sup>th</sup> Street, NW  
Suite 1140N  
Washington, D.C. 20001  
(202) 442-8949

**Certificate of Service:**

**By First Class Mail (Postage Paid):**

Reginald J. Richter, Esquire  
1229 15<sup>th</sup> Street, NW  
Suite 301  
Washington, DC 20005

Martin S. Protas, Esquire  
One Church Street  
Suite 910  
Rockville, MD 20850-4169

**By Inter-Agency Mail:**

District of Columbia Rental Housing  
Commission  
441 4<sup>th</sup> Street, NW  
Suite 1140N  
Washington, DC 20001

Keith Anderson, Acting Rent Administrator  
Rental Accommodations Division  
Department of Housing and Community  
Development  
1800 Martin Luther King Jr. Ave., SE  
Washington, DC 20020

I hereby certify that on 5-25, 2010,  
this document was caused to be served upon the  
above-named parties at the addresses and by the  
means stated.

  
Clerk / Deputy Clerk