

**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**

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ADMINISTRATIVE HEARINGS
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2010 MAY 13 P 2:44

WASHINGTON D.C 20002-4210

MACARTHUR WILDER
Tenant/Petitioner,

v.

METROPOLITAN COOPERATIVE
ASSOCIATION,
Housing Provider/Respondent

Case No.: 2009-OAH-DHCD-0000025
Agency No.: TP 29,747
In re 200 Rhode Island Avenue NE
Unit 118-A

FINAL ORDER

The housing accommodation at issue is located at 200 Rhode Island Avenue, NE, Unit 118A. On October 20, 2009, Tenant/Petitioner MacArthur Wilder filed Tenant Petition 29,747 against Housing Provider/Respondent Metropolitan Cooperative Association alleging that Housing Provider violated the Rental Housing Act of 1985 ("Rental Housing Act" or "Act")¹ by increasing Tenant's rent by an amount larger than allowed by the Act; increasing Tenant's rent while Tenant's unit was not in substantial compliance with the housing regulations; and serving Tenant a notice to vacate that violated section 501 of the Act.² On May 10, 2010, Tenant filed a motion to dismiss this matter without prejudice.

This matter is governed by the District of Columbia Administrative Procedure Act (D.C. Official Code §§ 2-501 *et seq.*) (DCAPA), and procedural Rules of the Office of Administrative

¹D.C. Official Code §§ 42-3501.01 *et seq.*

²D.C. Official Code §§ 42-3505.01.

Hearings (OAH) at 1 District of Columbia Municipal Regulations (DCMR) 2800 *et seq.* and 1 DCMR 2920 *et seq.* The DCAPA at D.C. Official Code § 2-509(a) provides that a contested case may be disposed of by agreed settlement. OAH Rules provides that:

A petitioner may file a summary motion for voluntary dismissal of any action, or of any claim asserted in an action, at any time . . . and the presiding Administrative Law Judge may grant a summary motion for voluntary dismissal without awaiting a response from the respondent.

1 DCMR 2817.1

Unless otherwise provided by statute, these Rules or an order of this administrative court, a dismissal under this Rule is without prejudice unless otherwise stipulated by the parties

1 DCMR 2817.4

Tenant has moved, voluntarily, to dismiss this case without prejudice. There is no statute or rule of this administrative court prohibiting voluntary dismissal of this matter without prejudice. Therefore, I am granting Tenant's motion to dismiss. 1 DCMR 2817.1 and 2817.4; D.C. Official Code § 2-509(a). If Housing Provider objects to any aspect of this Order granting Tenant's motion for voluntary dismissal without prejudice, Housing Provider may file a motion for reconsideration within ten days of the date of service of this Order. 1 DCMR 2817.2 and 2937.

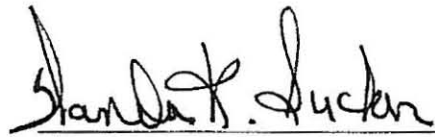
Therefore, it is this 13th day of May, 2010:

ORDERED, that Tenant's motion for voluntary dismissal without prejudice is hereby **GRANTED**; and it is further

ORDERED, that Case No. 2009-OAH-DHCD-0000025, Agency No. TP 29,747 is hereby **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED, that if Housing Provider objects to any aspect of this Order granting Tenant's motion for voluntary dismissal without prejudice, Housing Provider may file a motion for reconsideration within ten (10) days of the date of this Order; and it is further

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



Wanda R. Tucker
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 Fourth Street, NW
Suite 1140 North
Washington, DC 20001-2714
(202) 442-8949

Certificate of Service:

**By United States Postal Service
First Call Mail
(Postage Pre-Paid)**

MacArthur Wilder
200 Rhode Island Avenue, NE
Unit 118-A
Washington, DC 20002

Kevin I. Kane, Esquire
110 North Washington Street
Suite 500
Rockville, MD 20850

By Interagency Mail

District of Columbia Rental Housing Commission
441 4th Street, NW
Suite 1140 South
Washington, DC 20001

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

I hereby certify that on 5-13, 2010 this document was caused to be served upon the above-named parties at the address(es) and by the means stated.

Beneddta Rhames
Clerk / Deputy Clerk