

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
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RECEIVED
ADMINISTRATIVE HEARINGS
2008 DEC 31 P 1:13

MELVIN BERNARD
Tenant/Petitioner,

v.

THOMAS F. DWYER
Housing Provider/Respondent.

Case No.: RH-TP-07-29072
In re 1129 New Hampshire Avenue NW
Unit 400

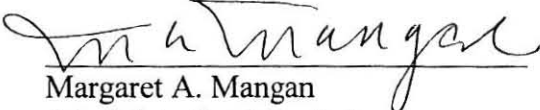
FINAL ORDER

After testimony was offered at the hearing on January 14, 2008, the parties reported that they had settled the case. They orally agreed to a dismissal and indicated they would submit a written document to that effect. However, nothing appears in the file since the day of the hearing. D.C. Official Code § 2-509(a) provides that any contested case may be disposed of by stipulation. Based on the oral representations, I am dismissing this matter without prejudice. OAH Rule 2817.4.

Therefore, it is this 31st day of December, 2008:

ORDERED, that Case RH-TP-07-29072 is **DISMISSED** without prejudice; and it is further

ORDERED, that the reconsideration and appeal rights for any party aggrieved by this
Order appear below.


Margaret A. Mangan
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
941 North Capitol Street, NE
Suite 9200
Washington, DC 20002
(202) 442-8949

Certificate of Service:

By Priority Mail with Delivery Confirmation (Postage Paid):

Melvin Bernard
1129 New Hampshire Ave., NW
Unit #400
Washington, DC 20037

Vincent Mark J. Policy, Esquire
Greenstein DeLorme & Luchs, P.C.
1620 L Street, NW
Suite 900
Washington, DC 20036-5605

By Inter-Agency Mail:

District of Columbia Rental Housing Commission
941 North Capitol Street NE, Suite 9200
Washington, D.C. 20002

Keith Anderson, Acting Rent Administrator
District of Columbia Department of Housing and Community Development
Housing Regulation Administration
941 North Capitol Street NE., Suite 7100
Washington, DC 20002

I hereby certify that on 12-31, 2009, this document was caused to be served upon the above-named parties at the addresses and by the means stated.


Clerk / Deputy Clerk