

**DISTRICT OF COLUMBIA  
OFFICE OF ADMINISTRATIVE HEARINGS**  
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DISTRICT OF COLUMBIA  
OFFICE OF  
ADMINISTRATIVE HEARINGS

2009 APR -3 A 11: 10

VINCENT MONTAGUE,  
Tenant/Petitioner,

v.

WALTER G. THOMPSON, SR.,  
Housing Provider/Respondent.

Case No.: RH-TP-08-29347  
*In re* 3517 Brothers Place SE

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**FINAL ORDER**

Vincent Montague, Tenant/Petitioner, filed Tenant Petition ("TP") 29,347 on July 31, 2008, and initiated this matter against Walter Thompson, Sr., Housing Provider/Respondent asserting violations of the Rental Housing Act of 1985 (the "Act"). The petition concerned the housing accommodation located at 3517 Brothers Place SE.

A Case Management Order ("CMO") was issued on August 7, 2008, scheduling this matter for an evidentiary hearing on September 8, 2008. Tenant was represented by Bryan Sillaman, Esq. Housing Provider appeared *pro se*. When this administrative court convened the hearing, the parties were invited to mediate the case. The parties accepted this administrative court's invitation to mediate the case. The parties engaged in mediation with Administrative Law Judge Margaret Mangan.

Tenant filed with this administrative court on September 8, 2008, a settlement agreement which read in part, "[t]he parties have also agreed to dismiss this matter without prejudice." The

D.C. Administrative Procedure Act allows for a contested case to be disposed of by agreed settlement.<sup>1</sup>

The rules of this administrative court at OAH 2817, 1 DCMR 2817.1 provide:

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.

Tenant has moved, voluntarily, to dismiss this matter without prejudice. There is no provision of the Rental Housing Act nor any statute or rule of this administrative court prohibiting voluntary dismissal of this matter. Accordingly, I am granting Tenant's motion to dismiss the tenant petition without prejudice. 1 DCMR 2817.1.

Accordingly, it is this 3<sup>rd</sup> day of April, 2009:


**ORDERED**, that RH-TP-08-29347 is hereby **DISMISSED WITHOUT PREJUDICE**;  
and it is further

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<sup>1</sup> The D.C. Administrative Procedure Act, D.C. Official Code § 2-509 provides:

Unless otherwise required by law, other than this subchapter, any contested case may be disposed of by stipulation, agreed settlement, consent order, or default.

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

  
Caryn L. Hines  
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) to:**

Bryan Sillaman, Esquire  
1775 I Street, NW  
Washington, DC 20006

Walter Thompson, Sr.  
2912 Kidder Road  
Clinton, MD 20735

**By Inter-Agency Mail:**

District of Columbia  
Rental Housing Commission  
941 North Capitol Street, N.E., Suite 9200  
Washington, DC 20002

Keith Anderson, Acting Rent Administrator  
District of Columbia Department of Housing  
and Community Development  
Housing Regulation Administration  
1800 Martin Luther King Jr. Avenue SE  
Washington, DC 20020

I hereby certify that on 4-3,  
2009, this document was caused to be served  
upon the above-named parties at the  
addresses and by the means stated.

Beneddta Rhames

Clerk / Deputy Clerk