

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

2009 JUN 23 P 3: 56

JOSEPH JHINGORY
Tenant/Petitioner,

v.

DARIEN AND HERMA GREEN
Housing Providers/Respondents

Case No.: RH-TP-08-29356
In re 4036 8th Street, NE,
Unit 3

FINAL ORDER

The housing accommodation at issue is located at 4036 8th Street, NE, Unit 3. On July 8, 2008, Tenant/Petitioner Joseph Jhingory filed Tenant Petition 29,356 against Housing Providers/Respondents Darien and Herma Green, alleging that Housing Providers violated the Rental Housing Act of 1985¹ by failing to properly register Tenant's rental unit with the Rental Accommodations Division, Department of Housing and Community Development; substantially reducing services and/or facilities provided in connection with Tenant's rental unit; and taking retaliatory action against Tenant.

On June 22, 2007, Tenant filed an Emergency Consent Motion to Dismiss Tenant Petition w/o Prejudice because the parties believe they will settle the issues in this case. This matter is governed by the District of Columbia Administrative Procedure Act² and the

¹ Rental Housing Act of 1985 (D.C. Official Code §§ 42-3501.01 *et seq.*) ("Rental Housing Act" or "Act").

² D.C. Official Code §§ 2-501 *et seq.* (DCAPA).

procedural rules of the Office of Administrative Hearings (OAH).³ 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 filed a motion, voluntarily, to dismiss this matter without prejudice. Housing Providers have consented to the motion. There is no statute or rule of this administrative court prohibiting voluntary dismissal of this matter without prejudice.

Therefore, it is this 23rd day of June, 2009:

ORDERED, that Case No. RH-TP-08-29356 is hereby **DISMISSED WITHOUT PREJUDICE** in accordance with Tenant's consent motion;⁴ 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

³ 1 District of Columbia Municipal Regulations (DCMR) 2800 *et seq.* and 1 DCMR 2920 *et seq.*

⁴ 1 DCMR 2817.1, 2817.4.

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, N.E.
Suite 9200
Washington, D.C. 20002
(202) 442-8949

Certificate of Service:

**By Priority Mail with Delivery
Confirmation (Postage Paid):**

Theresa Lewis, Esquire
1050 17th Street, NW
Suite 1100
Washington, DC 20036

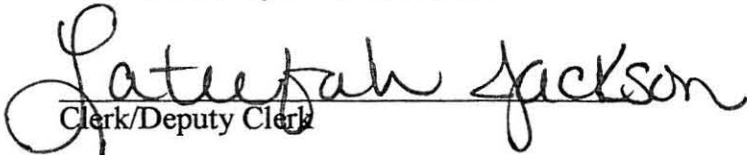
Stephen O. Hessler, Esquire
1313 F Street, NW
Suite 300
Washington, D.C. 20004

By Interagency Mail

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

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 6-23,
2009 this document was caused to be served
upon the above-named parties at the
addresses and by the means stated.


Clerk/Deputy Clerk