

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

DEC 23 A 8 05

SANDRA HARRELSON,
Tenant/Petitioner,

v.

NOVO PROPERTIES,
Housing Provider/Respondent.

Case No.: RH-TP-08-29357
In re 812 Jefferson Street, NW
Unit 110

FINAL ORDER

On July 8, 2008, Tenant/Petitioner Sandra Harrelson filed Tenant Petition ("TP") 29,357 with the Rent Administrator and initiated this matter against Novo Properties, Housing Provider/Respondent. The tenant petition concerned the rental housing accommodation located at 812 Jefferson Street, NW Unit 110.

On September 24, 2008, this administrative court issued a Case Management Order ("CMO") scheduling a hearing in this matter for October 28, 2008, at 9:30 a.m. On October 24, 2008, Tenant/Petitioner Sandra Harrelson submitted a consent motion for continuance which this administrative court granted on October 27, 2008, and set the hearing for December 22, 2008. On December 16, 2008, Tenant/Petitioner submitted, through counsel Shankar Duraiswamy, Petitioner's Summary Motion for Voluntary Dismissal in which she wrote "[c]omes now Petitioner and hereby moves for a voluntary

dismissal of the above-captioned Tenant Petition action, pursuant to D.C. Mun. Regs., tit. 1, §2817, and a cancellation of the hearing currently scheduled for December 22, 2008. As grounds for this motion, Petitioner states that she and Respondent have resolved the disputed issues that are the subject of Petitioner's petition."

I will construe Tenant/Petitioner's submission as a motion to withdraw the tenant petition. I grant Tenant/Petitioner's motion to withdraw the tenant petition.

Dismissal of this action is authorized by OAH Rule 2817.1, 1 District of Columbia Municipal Regulation ("DCMR") 2817.1 which provides, in pertinent part that:

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

Further, OAH Rule 2817.4, 1 DCMR 2817.4 provides that:

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....

In the instant case, Tenant/Petitioner has made a motion to voluntarily dismiss this matter. Tenant/Petitioner has not requested that this matter be dismissed with prejudice nor does the record reflect a stipulation by both parties requesting a dismissal with prejudice. Accordingly, RH-TP-08-29357 will be dismissed without prejudice pursuant to OAH Rules 2817.1 and 2817.4. If Housing Provider/Respondent objects to

any aspect of this order granting Tenant/Petitioner's motion for voluntary dismissal, it may file a motion for reconsideration. ¹

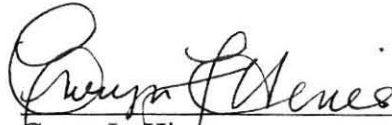
Therefore, it is this 23nd day of December, 2008:

ORDERED, that the motion to dismiss this case and to cancel the December 22, 2008, hearing is **GRANTED**; and it is further

ORDERED, that the hearing scheduled for December 22, 2008, at 9:30 a.m. is **CANCELLED**, *nunc pro tunc* and it is further

ORDERED, that this case, RH-TP-08-29357, is hereby **DISMISSED WITHOUT PREJUDICE**; and it is further

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



Caryn L. Hines
Administrative Law Judge

¹ 1 DCMR 2817.2.

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):

Shankar Duraiswamy, Esq.
Neighborhood Legal Services Program
680 Rhode Island Avenue, NE
Washington, D.C. 20002

Teosha Honeygan
C/o Novo Properties
519 11th Street, SE
Washington, DC 20003

By Inter-Agency Mail:

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

Keith Anderson,
Acting Rent Administrator
Rental Accommodations Division
Department of Housing and Community Development
941 North Capitol Street, N.E., Suite 7100
Washington, D.C. 20002

I hereby certify that on Dec 23, 2008, this document was caused to be served upon the above-named parties at the addresses and by the means stated.

Benedetta Rhames
Clerk / Deputy Clerk