

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
941 North Capitol Street, N.E., Suite 9100
Washington, DC 20002
TEL: (202) 442-8167
FAX: (202) 442-9451

DISTRICT OF COLUMBIA
OFFICE OF
ADMINISTRATIVE HEARINGS
2009 FEB 11 P 1: 12

APRIEL HODARI
Tenant/Petitioner,

v.
RAY ANDERSON
Housing Provider/Respondent

Case No.: RH-TP-08-29379
In re 240 M Street SW,
Unit E414

FINAL ORDER

On July 31, 2008, Tenant/Petitioner Apriel Hodari filed Tenant Petition 29,379 against Housing Provider/Respondent Ray Anderson. A hearing was scheduled for October 16, 2008. Both parties appeared, but instead of proceeding with the hearing the parties agreed to attempt resolution of this matter through mediation, with the assistance of an Office of Administrative Hearings (OAH) Administrative Law Judge. On February 8, 2009, Tenant filed a motion for voluntary dismissal citing an agreement between the parties.

OAH Rules at 1 District of Columbia Municipal Regulations (DCMR) 2817.1 and 2817.4 provide 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.

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

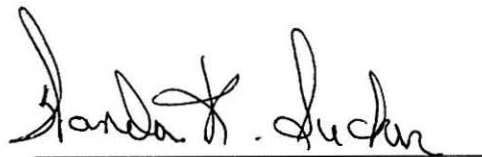
Tenant has moved, voluntarily, to dismiss this matter. There is no statute or rule of this administrative court prohibiting voluntary dismissal. The parties have not stipulated to dismissal with prejudice. Accordingly, I am granting Tenant's motion to dismiss without prejudice. 1 DCMR 2817.1 and 2817.4. 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 service of this Order. 1 DCMR 2937.

Therefore, it is this 11th day of February, 2009:

ORDERED, that Tenant's motion for voluntary dismissal is hereby **GRANTED**; and it is further

ORDERED, that Case No. RH-TP-08-29379 is hereby **DISMISSED WITHOUT PREJUDICE**; and it is further

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

A handwritten signature in black ink, appearing to read "Wanda R. Tucker", written over a horizontal line.

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

Certificate of Service:

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

Helen M. Primo, Esquire
The Law Office of H.M. Primo
1200 Prince Street
Alexandria, VA 22314

Ray Anderson
3326 M Street, SE
Washington, DC 20019

By Interagency Mail

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

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

I hereby certify that on 2-11,
2009 this document was caused to be served
upon the above-named parties at the
addresses and by the means stated.


Clerk / Deputy Clerk