

District of Columbia
Office of Administrative Hearings
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DISTRICT OF COLUMBIA
OFFICE OF
ADMINISTRATIVE HEARINGS

2009 MAR -5 P 3: 19

STEPHANIE ATKINSON
AND ASHKAHN PAJOOHI,
Tenants/Petitioners,

v.

AMY KIRSCHENBAUM,
Housing Provider/Respondent.

Case No.: RH-TP-08-29394
In re 2416 19th Street NW
Unit 31

FINAL ORDER

Stephanie Atkinson and Ashkahn Pajoohi, Tenants/Petitioners, filed Tenant Petition (TP) 29,394 on August 14, 2008, and initiated this matter against Amy Kirschenbaum, Housing Provider/Respondent. The petition concerned the housing accommodation located at 2416 19th Street NW, Unit 31.

This matter was scheduled for an evidentiary hearing on March 3, 2009, and instead of an evidentiary hearing the parties engaged in mediation with Judge Nicholas Cobbs. During mediation the parties reached a settlement agreement which includes the wording, “[t]he parties agree to dismiss Case No. RH-TP-08-29394 with prejudice.”

OAH rules at 1 District of Columbia Municipal Regulations (DCMR) 2817.3 provide that:

The parties, or their authorized agents or representatives, also may file a stipulation of voluntary dismissal with prejudice, signed by all parties, their authorized agents or representatives, who have appeared in the action to dismiss.

The parties have stipulated to voluntarily dismiss the tenant petition with 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 the parties' request to voluntarily dismiss the tenant petition with prejudice. 1 DCMR 2717.3.

Accordingly, it is this 5th day of March, 2009:

ORDERED, that RH-TP-08-29394 is hereby **DISMISSED WITH 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 cursive script, appearing to read "Caryn L. Hines", is written over a horizontal line.

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):**

Stephanie Atkinson
and Ashkahn Pajoohi
8816 Sunny Drive
Sterling Heights, MI 48312

Amy Kirschenbaum
2416 19th Street NW
Unit 31
Washington, DC 20009

By Inter-Agency Mail:

District of Columbia Rental Housing Commission
941 North Capitol Street, NE, 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 3-5, 2009, this document was caused to be served upon the above-named parties at the addresses and by the means stated.


Clerk / Deputy Clerk