

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

2009 JAN 28 P 3 1111

ERIC ALLEN,  
Tenant/Petitioner,

v.

SALVADOR ROVIRA,  
Housing Provider/Respondent.

Case No.: RH-TP-08-29458

*In re:* 4925 Minnesota Ave., NE  
Up Stairs Room

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**FINAL ORDER**

On October 10, 2008, Tenant/Petitioner Eric Allen filed a tenant petition alleging violations of the Rental Housing Act of 1985. The parties appeared for a hearing on January 15, 2009.<sup>1</sup> At the hearing, the parties represented that there is a corresponding case pending in the Landlord/Tenant Branch of Superior Court and they have reached a settlement in the Landlord/Tenant case that included resolution of the tenant petition. The parties agreed to dismiss the pending Tenant Petition without prejudice. The rules of this administrative court provide that unless otherwise stipulated by the parties or otherwise provided by statute, a voluntary dismissal shall be without prejudice. OAH Rule 2817.4. Accordingly, the parties' joint request to dismiss the petition without prejudice is granted.

Therefore, it is this 28<sup>th</sup> day of January 2009:


**ORDERED**, that the joint motion for voluntary dismissal is hereby **GRANTED**; and it is further

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<sup>1</sup> Housing Provider was represented by Aaron Wallisch, Esquire.

**ORDERED**, that Case No. RH-TP-08-29458 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.

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

**Certificate of Service:**

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

Aaron J. Wallisch, Esquire  
Venable LLP  
575 7<sup>th</sup> Street, NW  
Washington, DC 20004-1601

Salvador Rovira  
4925 Minnesota Ave., N.E.  
Up Stairs Room  
Washington, DC 20019

**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  
Consumer and Regulatory Affairs  
Rental Housing Administration  
941 North Capitol Street, NE, Suite 7100  
Washington, DC 20002

I hereby certify that on Jan. 28, 2009  
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