

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

2009 APR -9 A 10: 03

TIMOTHY MAY,  
Tenant/Petitioner,

v.

CECIL D. CORTIN-MARK and  
SIOBBAN MILLETTE,  
Housing Providers/Respondents.

Case No.: RH-TP-08-29460

*In re:* 622 G Street, NE, Unit B

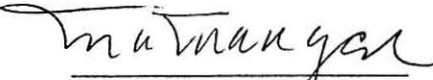
**FINAL ORDER**

At the scheduled date and time for hearing on April 8, 2009, Tenant/Petitioner Timothy May appeared with his attorney, Morris R. Battino, Esq. Housing Providers did not appear and no appearance was made for them. Counsel for Petitioner moved to withdraw the pending petition without prejudice. A petitioner may voluntarily withdraw a claim and "the presiding Administrative Law Judge may grant a summary motion for voluntary dismissal without awaiting a response from the respondent." OAH Rule 2817.1. Such a dismissal is without prejudice unless otherwise stipulated by the parties. OAH Rule 2817.4.

Therefore, it is this 9<sup>th</sup> day of April, 2009:

**ORDERED**, that Case No. RH-TP-08-29460 is **DISMISSED without prejudice**  
and it is further

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

  
Margaret A. Mangan  
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):**

Morris R. Battino, Esq.  
Law Office of Morris R. Battino  
1200 Perry Street, NE, Suite 100  
Washington, DC 20017

Siobban Millette  
Cecil D. Cortin-Mark  
622 G Street, NE  
Washington, DC 20002

I hereby certify that on 4-9, 2009, this document was caused to be served upon the above-named parties at the addresses and by the means stated.

Benedicta Rhames  
Clerk / Deputy Clerk