

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

DEC 23 A 8 11 5

SYLVESTER C. NEWTON,  
Tenant/Petitioner,

v.

TEOSHA HONEYGAN,  
Housing Provider/Respondent.

Case No.: RH-TP-08-29464  
*In re* 1530 Rhode Island Avenue NE  
Unit 303

**FINAL ORDER**

On October 20, 2008, Petitioner Sylvester C. Newton filed Tenant Petition (TP) 29,464 with the Rent Administrator against Respondent Teosha Honeygan alleging violations of the Rental Housing Act of 1985 at Petitioner's housing accommodation, 1530 Rhode Island Avenue NE, Unit 303. As of October 1, 2006, the Office of Administrative Hearings (OAH) holds hearings and issues decisions in cases previously heard and decided by the Rent Administrator. D.C. Official Code § 2-1831.03(b-1)(1).

On, December 20, 2008, OAH issued a Case Management Order scheduling a hearing in this matter for January 21, 2009. On December 19, 2008, Petitioner, filed a letter stating that he had reached a settlement agreement with Housing Provider, and requesting that his petition be withdrawn. I construe Petitioner's submission to be a motion for voluntary dismissal under the OAH rules. 1 District of Columbia Municipal Regulations ("DCMR") 2817. Although Petitioner did not include a certificate of service with the letter, as required by OAH Rules, 1 DCMR 2810.4, Petitioner's letter states that he informed Housing Provider of the decision to

withdraw and the OAH Rules allow the Administrative Law Judge to grant a motion to withdraw without waiting for a response from the Respondent. 1 DCMR 2817.1.

OAH rules at 1 DCMR 2817.1 and 2817.4 provide that:

A petitioner may file a summary motion for voluntary dismissal of any action, or 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 . . . .

Petitioner has moved, voluntarily, to dismiss this matter, without prejudice. The OAH Rules permit dismissal in these circumstances and the District of Columbia Administrative Procedure Act provides that any contested case may be disposed of by an agreed settlement. D.C. Official Code § 2-509(a). The parties have not stipulated to dismissal with prejudice. I am granting Petitioner's motion. 1 DCMR 2717.1 and 2817.4. If Respondent objects to any aspect of this Order granting Petitioner's motion for voluntary dismissal, without prejudice, the Respondent may file a motion for reconsideration within ten (10) days of the date of service of this Order. 1 DCMR 2817.2 and 2937.

Therefore, it is this **22nd** day of **December, 2008**:


**ORDERED**, that Petitioner's motion for voluntary dismissal, without prejudice, is hereby **GRANTED**; and it is further

**ORDERED** that the hearing scheduled in this case for January 21, 2009, at 9:30 a.m. is **CANCELLED**, and it is further

**ORDERED**, that Case No. RH-TP-08-29464 is hereby **DISMISSED WITHOUT PREJUDICE**; and it is further

**ORDERED**, that if the Respondent objects to any aspect of this Order granting Petitioner's motion for voluntary dismissal, without prejudice, the Respondent may file a motion for reconsideration within ten (10) days of the date of this Order; and it is further

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

  
\_\_\_\_\_  
Nicholas H. Cobbs  
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 / Delivery Confirmation  
(Postage Paid):**

Sylvester C. Newton  
1530 Rhode Island Avenue NE  
Unit 303  
Washington, DC 20018

Teosha Honeygan  
519 11<sup>th</sup> Street SE  
Washington, DC 20003

**By Inter-Agency Mail:**

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

Keith Anderson, Acting Rent Administrator  
District of Columbia Department of Housing  
and Community Development  
Housing Regulation Administration  
941 North Capitol Street NE, 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.

Benedicta Rhames  
Clerk / Deputy Clerk