

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

JAN 27 P 4 29

AKEREJAH AKINDELE ,  
Tenant/Petitioner,

v.

LENORA MORAGNE,  
Housing Provider/Respondent.

Case No.: RH-TP-08-29466

*In re:* 2225 Flagler Place, NW, Unit 7

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**FINAL ORDER**

**I. Introduction**

This case is dismissed with prejudice, in accord with the following findings of fact and conclusions of law, for Petitioner's failure to appear at a scheduled hearing.

**II. Findings of Fact**

1. On October 21, 2008, Petitioner filed Tenant Petition 29,446 with the Rental Accommodations Division of the Department of Housing and Community Development asserting violations of the Rental Housing Act of 1985 against Lenora Moragne.

2. The Case Management Order (CMO) issued on December 10, 2008, scheduled a hearing in this matter for January 26, 2009. The US Postal Service confirmed delivery of the CMO to Petitioner at the address provided in the tenant petition

on December 11, 2008, with delivery confirmation receipt number 0307 1790 0004 2496).

3. A hearing was convened on January 26, 2009, at 9:30 a.m. at which only respondent Lenora Moragne appeared. Neither Petitioner nor any representative on Petitioner's behalf appeared.

## **II. Conclusions of Law**

This matter is governed by the Rental Housing Act of 1985 (the Act), D.C. Official Code §§ 42-3501.01 – 3509.07, the District of Columbia Administrative Procedure Act (DCAPA), D.C. Official Code §§ 2-501 – 510, the District of Columbia Municipal Regulations (DCMR), 1 DCMR 2800 – 2899, 1 DCMR 2920 – 2941, and 14 DCMR 4100 – 4399. Since October 1, 2006, OAH has assumed jurisdiction of rental housing cases pursuant to the OAH Establishment Act, D.C. Official Code § 2-1831.03(b-1)(1).

The DCAPA provides that “[i]n contested cases ... the proponent of a rule or order shall have the burden of proof. D.C. Official Code § 2-509(b). Petitioner filed this case pursuant to the Rental Housing Act and thus has the burden of proof in this matter. To prosecute the tenant petition, Petitioner must appear at the scheduled hearing, yet failed to appear.

OAH Rule 2818.1 provides that:

For failure of the Petitioner to prosecute or to comply with these Rules or any order of this administrative court, a Respondent may move for dismissal of an action or of any claim against the

Respondent, or the presiding Administrative Law Judge may order such dismissal on his or her own motion. Subject to the limitations of Section 2818.2, and unless otherwise specified, a dismissal under this Section, other than a dismissal for lack of jurisdiction, constitutes an adjudication on the merits.

Therefore, this matter is involuntarily dismissed with prejudice pursuant to OAH Rule 2818.1 for Petitioner's failure to prosecute. This Order "shall not take effect until fourteen (14) days after the date on which it is served, and shall be vacated upon the granting of a motion filed by Petitioner within such fourteen (14) day period showing good cause why the case should not be dismissed." OAH Rule 2812.2.


### **III. Order**

Accordingly, it is this 27th day of January, 2009,

**ORDERED**, that Case No. RH-TP-08-29466 is **DISMISSED WITH PREJUDICE**; and it is further

**ORDERED**, that this Order shall not take effect until 14 days after the date on which it is served, and shall be vacated only upon Petitioner filing a motion within that 14 day period, and showing good cause why the case should not be dismissed; and it is further

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



Margaret A. Mangan  
Administrative Law Judge

## **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, in accordance with the Commission's rule, 14 DCMR 3802. The ten (10) day limit shall begin to run when the order becomes final. 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):**

Akerejah Akindele.  
2225 Flagler Place, NW, Unit 7  
Washington, DC 20001

Lenora Moragne  
607 Fourth Street, SW  
Washington, DC 20024

**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 Jan. 27, 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