

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
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DISTRICT OF COLUMBIA
OFFICE OF
ADMINISTRATIVE HEARINGS
2009 FEB -5 P 12:12

THOMASINE BELL,
Tenant/Petitioner,

v.

CORNELIUS C. DUDLEY,
Housing Provider/Respondent.

Case No.: RH-TP-08-29468
In re 515 Harvard Street, NW

FINAL ORDER

On October 27, 2008, Tenant/Petitioner Thomasine Bell filed Tenant Petition (“TP”) 29,468 with the Rent Administrator and initiated this matter against Cornelius C. Dudley, Housing Provider/Respondent. The tenant petition concerned the rental housing accommodation located at 515 Harvard Street, NW.

On January 5, 2009, this administrative court issued a Case Management Order (“CMO”) scheduling a hearing in this matter for February 3, 2009, at 9:30 a.m. On February 3, 2009, Tenant Thomasine Bell filed a Memorandum of Understanding in which she wrote “ [i]t is agreed upon by all parties that the acceptance and deposit of check #025480 & 003028 satisfy all requirements of tenancy, rental payment, and security deposit for Thomasina (sic) Bell & Joyce Darden, former residents of 515 Harvard Street, N.W. It is further agreed that Thomasine Bell will send verbal and

written communication to the Office of Administrative Hearings to withdraw Case No.: RH-TP-08-29468.”¹ I will construe Tenant’s submission as a motion to withdraw the tenant petition. I grant Tenant’s motion to withdraw the tenant petition.

Dismissal of this action is authorized by OAH Rule 2817.1, 1 District of Columbia Municipal Regulation (“DCMR”) 2817.1 which provides, in pertinent part that:

A petitioner may file a summary motion for voluntary dismissal of any action, or any claim asserted in an action, at anytime . . . and the presiding Administrative Law Judge may grant a summary motion for voluntary dismissal without awaiting a response from the respondent.

Further, OAH Rule 2817.4, 1 DCMR 2817.4 provides that:

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. . . .

In the instant case, Tenant has made a motion to voluntarily dismiss this matter. Tenant has not requested that this matter be dismissed with prejudice nor does the record reflect a stipulation by both parties requesting a dismissal with prejudice. Accordingly, RH-TP-08-29468 will be dismissed without prejudice pursuant to OAH Rules 2817.1 and 2817.4. If Housing Provider objects to any aspect of this order granting Tenant’s motion for voluntary dismissal, he may file a motion for reconsideration.²

Therefore, it is this 5th day of February, 2009:


¹ Thomasine Bell is the only tenant named in the tenant petition.

² 1 DCMR 2817.2.

ORDERED, that the motion to dismiss this case is **GRANTED**; and it is further

ORDERED, that this case, RH-TP-08-29468, is hereby **DISMISSED WITHOUT PREJUDICE**; and it is further

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


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, D.C. 20002
(202) 442-8949

Certificate of Service

By Priority Mail with Delivery Confirmation (Postage Paid):

Thomasine Bell
515 Harvard Street, NW
Washington, DC 20011

Cornelius Dudley
Dudley Pro Realty
2101 Rhode Island Avenue, NE
P.O. Box 10177
Washington, DC 20018

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
Department of Housing and Community Development
Housing Regulation Administration
Rental Accommodations Division
1800 Martin Luther King, Jr. Avenue, SE
Washington, DC 20020

I hereby certify that on Feb. 05, 2009, this document was caused to be served upon the above-named parties at the addresses and by the means stated.

Benedette Phames
Clerk / Deputy Clerk