

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
941 North Capitol Street, NE, Suite 9100
Washington, D.C. 20002
TEL: (202) 442-8167
FAX: (202) 442-9451

DISTRICT OF COLUMBIA
OFFICE OF
ADMINISTRATIVE HEARINGS

2009 FEB -2 A 11: 29

KRITINI DAVENPORT,
Tenant/Petitioner,

v.

1613 HARVARD, LLP
c/o BORGER MANAGEMENT, INC.,
Housing Provider/Respondent.

Case No.: RH-TP-08-29472

In re: 1613 Harvard Street, NW, Unit 210

FINAL ORDER

On October 31, 2008, Tenant/Petitioner Kritini Davenport ("Tenant") filed a tenant petition alleging violations of the Rental Housing Act of 1985. A Case Management Order was issued on January 5, 2009, scheduling a hearing for February 4, 2009. On January 30, 2009, Tenant filed correspondence which I have construed as a motion for voluntary withdrawal of the tenant petition pursuant to OAH Rule 2817.1. No reason was provided for the request to withdraw. The rules of this administrative court provide a petitioner may file a summary motion for voluntary dismissal of any action. *Id.* The rules further 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, Tenant's request to dismiss the petition without prejudice is granted.

Therefore, it is this 2nd day of February 2009:

ORDERED, that Tenant's motion for voluntary dismissal is hereby **GRANTED**; and it is further

ORDERED, that Case No. RH-TP-08-29472 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
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):**

Kritini Davenport
1613 Harvard Street, NW
Unit 210
Washington, DC 20009

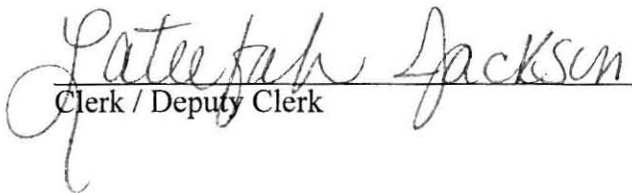
1613 Harvard LLP
Borger Management, Inc.
1111 14th Street, NW
Suite 200
Washington, DC 20005

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 2-2, 2009
this document was caused to be served upon the
above-named parties at the addresses and by the
means stated.


Clerk / Deputy Clerk