

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

2009 MAR 11 PM 4: 27

CLIFFORD GILYARD
Tenant/Petitioner,

v.

THOMAS BOOKARD, JR.
Housing Provider(s)/Respondent(s).

Case No.: RH-TP-09-29498
In re: 4015 4th Street, S.E., Unit 3

FINAL ORDER

Currently pending before this administrative court is the Petitioner's Stipulation of Dismissal filed pursuant to OAH Rule 2817.1. OAH Rule 2817.1 states in pertinent part:

A petitioner may file a summary motion for voluntary dismissal of any action...and the presiding administrative law judge may grant a summary motion for voluntary dismissal without awaiting a response from the respondent.

OAH Rule 2817.3 also states:

The parties, or their authorized agents or representatives, also may file a stipulation of voluntary dismissal with prejudice, signed by all parties, their authorized agents or representatives, who have appeared in the action to dismiss an action.

The requirements of these rules have been met in that the Petitioner's authorized agent has signed the Stipulation of Dismissal filed with this administrative court on March 5, 2009. Since both parties have not signed the Stipulation pursuant to OAH Rule 2817.3, the dismissal will be granted pursuant to OAH Rule 2817.1.

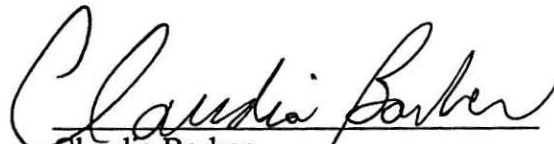
Accordingly, it is this 11th day of March, 2009:

ORDERED, that the Stipulation of Dismissal filed herein is **APPROVED** as a Summary Motion for Voluntary Dismissal, which is **GRANTED**; and it is further

ORDERED, that Tenant Petition RH-TP-09-29498 is **DISMISSED WITH PREJUDICE**; and it is further

ORDERED, that either party may move for reconsideration of this Final Order within ten days under OAH Rule 2937; and it is further

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



Claudia Barber
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):**

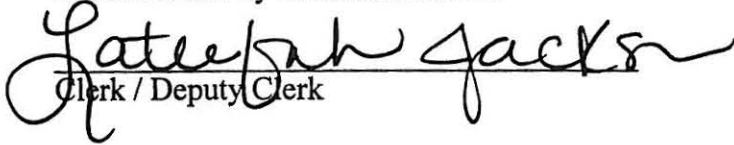
Thomas Mark
Bread for the City Legal Clinic
1640 Good Hope Road, S.E.
Washington, DC 20020

By Inter-Agency Mail:

District of Columbia Rental Housing
Commission
941 North Capitol Street, N.E., Suite 9200
Washington, DC 20002

Keith Anderson, Acting Rent Administrator
District of Columbia Department of Housing
and Community Development
Housing Regulation Administration
1800 Martin Luther King Jr., Ave., S.E.
Washington, DC 20020

I hereby certify that on 3-11,
2009 this document was caused to be served
upon the above-named parties at the
addresses and by the means stated.


Clerk / Deputy Clerk