

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

2009 APR 21 A 10: 58

TAL BENDOR,  
Tenant/Petitioner,

v.

LISA G. McCURDY,  
Housing Provider/Respondent.

Case No.: RH-TP-09-29513  
*In re* 1308 Riggs Street NW

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**FINAL ORDER**

On January 9, 2009, Petitioner Tal Bendor filed Tenant Petition (TP) 29,513 with the Rent Administrator against Respondent Lisa McCurdy, alleging violations of the Rental Housing Act of 1985 at Petitioner's housing accommodation, 1308 Riggs Street NW. 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).

By Order of March 17, 2009, the hearing of this case was set for April 22, 2009, at 9:30 a.m. On April 20, 2009, Petitioner, filed a Request for Dismissal, noting that "Petitioner settled the above captioned matter in a mutually accepted manner." I construe Petitioner's submission to be a motion for voluntary dismissal under the OAH rules.

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. There is no statute, rule, or order of this administrative court prohibiting voluntary dismissal of this matter without prejudice. The parties have not stipulated to dismissal with prejudice. I am granting Petitioner's motion. 1 DCMR 2717.1 and 2817.3. If Respondent objects to any aspect of this Order granting Petitioner's motion for voluntary dismissal, without prejudice, Respondent may file a motion for reconsideration within ten (10) days of the date of service of this Order. 1 DCMR 2817.2 and 2932.

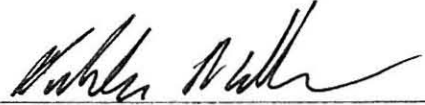
Therefore, it is this 21<sup>st</sup> day of April, 2009:

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

**ORDERED**, that Case No. RH-TP-09-29513 is hereby **DISMISSED WITHOUT PREJUDICE**; and it is further

**ORDERED**, that if Respondent objects to any aspect of this Order granting Petitioner's motion for voluntary dismissal, without prejudice, 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.



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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 with Delivery  
Confirmation (Postage Paid) to:**

Tal Bendor  
2200 19<sup>th</sup> Street NW, Unit 207  
Washington, DC 20009

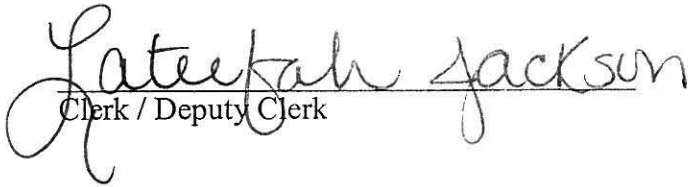
Lisa G. McCurdy  
61 Longfellow Street NW  
Washington, DC 20011

**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 Housing  
and Community Development  
Housing Regulation Administration  
1800 Martin Luther King Jr. Avenue SE  
Washington, DC 20020

I hereby certify that on 4-21,  
2009, this document was caused to be served  
upon the above-named parties at the  
addresses and by the means stated.

  
Clerk / Deputy Clerk

