

**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**

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DISTRICT OF COLUMBIA
OFFICE OF
ADMINISTRATIVE HEARINGS

2010 MAY 25 P 3:45

ADAM BRICKLEY,
Tenant/Petitioner,

v.

DONNA GREGORY,
Housing Provider/Respondent.

Case No.: 2009-OAH-DHCD-0000055
Agency No: 29,777

Re: 1002 11th Street, NE

FINAL ORDER

On November 23, 2009, Tenant/Petitioner Adam Brickley filed Tenant Petition (TP) 29,777 alleging violations of the Rental Housing Act of 1985 (the "Act"). On May 5, 2010, Tenant filed correspondence which I have construed as a motion for voluntary dismissal. Tenant's motion states that he is pursuing the matter in civil court.

The rules of this administrative court provide that a petitioner may file a summary motion for voluntary dismissal of any action and that the presiding judge may grant the motion without awaiting a response from the Respondent. OAH Rule 2817.1. 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 2517.4. Accordingly, the tenant petition is dismissed without prejudice.

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
441 4th Street, NW
Suite 1140N
Washington, D.C. 20001
(202) 442-8949

Certificate of Service:

By First Class Mail (Postage Paid):

Adam Brickely
824 7th Street, NE
Washington, DC 20002

Juliana L. Brickely
5590 Good Fortune Road
Peyton, CO 80831

Donna Gregory
13857 Gullane Drive
Woodbridge, VA 22191

By Inter-Agency Mail:

District of Columbia Rental Housing
Commission
441 4th Street, NW
Suite 1140N
Washington, DC 20001

Keith Anderson, Acting Rent Administrator
Rental Accommodations Division
Department of Housing and Community
Development
1800 Martin Luther King Jr. Ave., SE
Washington, DC 20020

I hereby certify that on 5-25, 2010,
this document was caused to be served upon the
above-named parties at the addresses and by the
means stated.


Clerk / Deputy Clerk