

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

TP 27,041

ROBERT AND MILDRED KING  
Housing Providers/Appellants

v.

TONIA SHELTON  
Tenant/Appellee

**ORDER ON MOTION TO DISMISS APPEAL**

**September 13, 2002**

**BANKS, CHAIRPERSON.** Mildred King, Housing Provider/Appellant, pro se filed an undated letter regarding the decision and order issued by the Office of Adjudication (OAD) on May 7, 2002. The undated letter had an OAD date stamp of May 20, 2002, and it was transmitted to the Commission on June 5, 2002 by the staff of OAD. Therefore, the Commission treated the letter as a timely filed notice of appeal, although it did not comply with the Commission's appeal rules. On June 11, 2002, the Commission issued an order requiring the Housing Provider to comply with the Commission's appeal rules.

On June 26, 2002, the Housing Provider mailed to the Commission a second letter, which did not address nor comply with the Commission's order dated June 11, 2002. On July 15, 2002, the Commission mailed the parties, by priority mail with confirmation of delivery, a notice of rescheduled hearing on September 11, 2002. The Commission's record contains the Track and Confirm document from the web site of the United States Postal Service. It shows that the Commission's hearing notice was delivered to the Housing Providers at 12:13 pm [sic] on July 16, 2002. On September 11,

2002, the Housing Providers/Appellants, did not appear for the Commission's hearing. Only the Tenant and her counsel appeared. The Tenant's counsel made a motion to dismiss the appeal, because the Housing Providers failed to appear for the hearing.

#### **THE COMMISSION'S ORDER**

The Commission has two reasons to dismiss this appeal. First, the Housing Providers failed to comply with the Commission's order dated June 11, 2002, which required the Housing Providers to comply with 14 DCMR §§ 3801.7-.8, 3802.5 (1991). Second, the Housing Providers received actual notice of the Commission's hearing and failed to appear. The Housing Providers did not contact the Commission with a reason for failure to appear, nor did they request a continuance of the hearing date. The Commission's notice of rescheduled hearing, page 1, warns the parties that failure to appear may result in the dismissal of the appeal. See Stancil v. District of Columbia Rental Hous. Comm'n, No. 01-AA-5 (DCCA Sept. 12, 2002) (where the court affirmed the Commission's dismissal of an appeal due to the failure of a party to appear for the Commission's scheduled hearing) citing Tenants of 1755 N Street, N.W. v. N Street Follies Ltd. P'ship., HP 20,746 (RHC June 21, 2000).

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

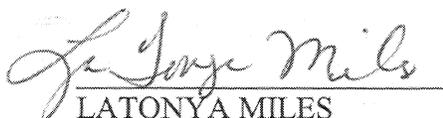
## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order on Motion to Dismiss Appeal, TP 27,041 was mailed postage prepaid by priority mail with confirmation of delivery this **13 day of September, 2002**, to:

Ian Williams, Esquire  
717 D Street, N.W.  
Washington, D.C. 20004

Tonia Shelton  
317 8<sup>th</sup> Street, N.E.  
Washington, D.C. 20002

Mildred King  
P.O. Box 1242  
Clinton, MD 20735

  
LATONYA MILES  
Contact Representative

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

TP 27,041

**ROBERT AND MILDRED KING**  
Housing Providers/Appellants

v.

**TONIA SHELTON**  
Tenant/Appellee

**ORDER ON MOTION TO DISMISS APPEAL**

**October 18, 2002**

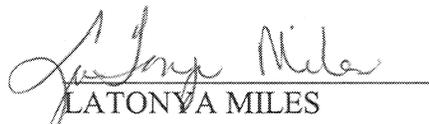
**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Order on Motion to Dismiss Appeal, TP 27,041 was mailed postage prepaid by priority mail with confirmation of delivery this **18<sup>th</sup> day of October, 2002**, to:

Ian Williams, Esquire  
717 D Street, N.W.  
Washington, D.C. 20004

Tonia Shelton  
4425 Nannie Helen Burrough's Avenue, N.E.  
Apt. 112  
Washington, D.C. 20019

Mildred King  
P.O. Box 1242  
Clinton, MD 20735

  
LATONYA MILES  
Contact Representative