

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,887

In re: 5204 3rd Street, N.W., Unit 11

Ward Four (4)

GREGORY HEMBY
Tenant/Appellant

v.

RESIDENTIAL RESCUE, INC.
Housing Provider/Appellee

ORDER

June 21, 2004

LONG, COMMISSIONER. The Commission issued a decision and order in TP 27,887 on April 16, 2004. The Commission remanded the matter, because the official record did not contain all of the evidence that the tenant offered during the hearing. The Commission vacated the decision and ordered the hearing examiner to: reconstruct the record and consider all of the oral and documentary evidence that the tenant offered during the hearing;¹ include all of the appropriate parties in the caption and/or explain why he excluded an entity from the caption; review the housing violation notices and evaluate the reduction in services and facilities claim; and issue a decision and order that contains cogent findings of fact and conclusions of law, and proper citations to the Act. The Commission did not order a hearing de novo.

On June 10, 2004, the Commission received a letter from the tenant, Gregory Hemby. In the letter, Mr. Hemby stated that the hearing examiner should recuse himself

¹ The housing providers did not appear for the evidentiary hearing. The hearing examiner indicated that the record reflected that proper notice was mailed to all of the parties. As a result, the hearing examiner held the hearing and received evidence from the tenant.

because he prejudiced the tenant's case. In addition, the tenant stated that the Commission's remand instructions were not followed, because the Housing Regulation Administration scheduled the matter for a hearing. Finally, Mr. Hemby argued that the housing providers should not be given an opportunity to be heard, because they failed to participate in the evidentiary or appellate hearing.

After the Commission received the tenant's letter, the Commission contacted the Rent Administrator's office to determine the status of TP 27,887. The Commission learned that the matter was scheduled for a hearing before Hearing Examiner Carl Bradford on June 16, 2004. Hearing Examiner Keith Anderson convened the hearing on June 16, 2004, because Mr. Bradford was absent due to a family emergency. When Hearing Examiner Anderson convened the hearing, the tenant, Gregory Hemby, and the housing provider, Jessie L. Banks of Residential Rescue, Inc., appeared. Mr. Hemby made two oral motions. Mr. Hemby requested the recusal of Hearing Examiner Bradford, and he requested a decision on the existing record without convening a hearing. Hearing Examiner Anderson took Mr. Hemby's motions under advisement, and indicated that the matter was adjourned until August 3, 2004, unless the Rent Administrator determined that a hearing was not necessary.

Since TP 27,887 is pending in the Rent Administrator's office, the Commission does not have jurisdiction to resolve the issues that the tenant raised in the June 10, 2004 letter. As a result, the Commission instructs Mr. Hemby to direct his concerns directly to the Rent Administrator's office and/or Hearing Examiner Bradford. The Commission urges Mr. Hemby to consult 14 DCMR § 4008 (1991) and file his requests in the form of

a motion with service upon the opposing parties.² In addition, the tenant's request for the
recusal of Hearing Examiner Bradford should be filed in accordance with 14 DCMR §
4001 (1991).

SO ORDERED.



JENNIFER M. LONG, COMMISSIONER

CERTIFICATE OF SERVICE


I hereby certify that a copy of the foregoing Order in TP 27,887 was mailed by
priority mail with delivery confirmation, postage prepaid, this 21st day of June 2004 to:

Gregory Hemby
425 2nd Street, N.W.
Infirmary Unit
Washington, DC 20001

Jessie L. Banks
Residential Rescue, Inc.
1200 15th Street, N.W.
Washington, DC 20005

Jessie L. Banks
Residential Rescue, Inc.
8604 Second Avenue – PMB-187
Silver Spring, MD 20910

Harold H. Huggins
Harold H. Huggins Realty, Inc.
15308-101 Spencerville Court
Burtonsville, MD 20866



LaTonya Miles
Contact Representative
(202) 442-8949

² The tenant did not serve the opposing parties with a copy of the June 10, 2004 letter. However, the
tenant's failure to serve the parties is harmless error, because the Commission does not have jurisdiction to
resolve any of the issues that the tenant raised in the June 10, 2004 letter.