

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,920

In re: 1008 East Capitol Street, N.E.

Ward Six (6)

Rona F. LaPrade
Housing Provider/Appellant

v.

Susan Klingberg
Tenant/Appellee

ORDER DISMISSING TWO APPEALS

January 02, 2004

BANKS, CHAIRPERSON. On December 19, 2003, Rona F. LaPrade, Housing Provider, filed a notice of appeal from “the Rent Administrator’s refusal denial of the Motion [for reconsideration and recusal] filed by the Appellant on December 2, 2003.” Notice of Appeal at 1.¹ There is no copy of this motion nor a copy of the order responding to the motion in the Rent Administrator’s certified record.^{2, 3}

On December 29, 2003, the Housing Provider filed in the Commission a document entitled, “2nd Notice of Interlocutory Appeal.” The Rent Administrator’s rule, 14 DCMR

¹ The Rent Administrator’s rule, 14 DCMR § 4013.2 (1991), provides, “[a] motion for reconsideration shall be granted or denied in writing by the hearing examiner within ten (10) days after receipt, and may only be granted on the basis of circumstances set forth in § 4013.1.”

² The Rent Administrator’s rule, 14 DCMR § 4008.5 (1991), provides, “[t]he hearing examiner shall render a decision in writing on each motion made which shall include the reasons for the ruling.” See Tenants of 1915 Kalorama Rd., N.W. v. Columbia Realty Venture, CI 20,630 (Mar. 28, 1997). (emphasis added.)

³ The Rent Administrator’s certified record does not contain a copy of this motion, however, the Commission’s record contains a blue ink file stamped copy of this motion. This irregularity should be addressed on remand.

§ 4011 (1991), governs interlocutory appeals, and it provides that rulings are not appealable during the course of a hearing, unless the examiner certifies the ruling for review by the Commission, § 4011.1; however, a party may move the hearing examiner to certify to the Commission an interlocutory appeal of a ruling or order other than a final decision and order, § 4011.2. Neither rule was invoked by the Housing Provider in the proceedings before the Rent Administrator.

The first notice of appeal was not from a decision or order that was appealable, because there was no final order on the tenant's petition by the hearing examiner. The law is that an appellate tribunal does not have jurisdiction "unless the order appealed from disposes of all issues in the case; it must be final as to all the parties, the whole subject matter, and all of the causes of action involved." Davis v. Davis, 663 A.2d 499, 503 (D.C. 1995) cited in West v. Morris, 711 A.2d 1269 (D.C. 1998). A court may sua sponte raise the issue of its jurisdiction, when presented with a non final order. Brandywine v. District of Columbia Rental Hous. Comm'n, 631 A.2d 415 (D.C. 1993). The Commission has followed the courts in its rule, 14 DCMR § 3802.1 (1991), which states, "[a]ny party aggrieved by a final decision of the Rent Administrator may obtain review of that decision by filing a notice of appeal with the Commission." See Pegram v. Cooper, TP 27,003 (RHC June 26, 2001); Borger Mgmt. v. Bennett, TP 22,402 (RHC Nov. 14, 1991).

The Tenant's second attempt to appeal (interlocutory) did not comply with the Rent Administrator's rules for interlocutory appeals, because no request was made by the Tenant to the Rent Administrator to certify an issue or decision to the Commission pursuant to § 4011.2.

Based on the failure of the Housing Provider to present a properly filed interlocutory appeal or an appeal from a final decision and order, the Commission sua sponte dismissed the notice of appeal and interlocutory appeal. Brandywine, supra. This case is remanded to the Rent Administrator for a hearing and final decision or order and disposal of all motions with a written order.⁴

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Order Dismissing Two Appeals in TP 27,920 was mailed by priority mail, with confirmation of delivery, postage prepaid this 2nd day of January, 2004, to:

Rona Foote LaPrade
2401 Calvert Street, N.W., Unit 602
Washington, D.C. 20008

Susan Klingberg
1006-B East Capitol Street, N.E.
Washington, D.C. 20003



LaTonya Miles
Contact Representative

⁴ Attached to the Housing Provider's 2nd Notice of Interlocutory Appeal was a copy of the Rent Administrator's Official Reschedule Notice of Hearing for January 8, 2004, with the address of the Housing Provider as 2653 Woodley Rd., N.W. This document is not in the Rent Administrator's certified record to the Commission. The Commission notes the address on the Notice of Appeal and the 2nd Notice of Interlocutory Appeal contains the address used in the Commission's certificate of service for this order. Therefore, the record contains conflicts related to the Housing Provider's address.