

**DISTRICT OF COLUMBIA**  
**OFFICE OF ADMINISTRATIVE HEARINGS**  
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DISTRICT OF COLUMBIA  
OFFICE OF  
ADMINISTRATIVE HEARINGS  
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BARBER BECKER  
Tenant/Petitioner,

v.

GEORGE PAPAGEORGE,  
Housing Provider/Respondent.

Case No.: RH-TP-09-29538

*In re:* 1520 Massachusetts Avenue, S.E.

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**FINAL ORDER**

On February 24, 2009, Barber Becker filed a tenant petition with the Rent Administrator. The Rent Administrator transmitted a copy of the petition to the Office of Administrative Hearings (OAH). Tenant alleges that the Housing Provider failed to properly register the building where her rental unit is located with the Rental Accommodation Division, increased the rent more than permitted under the Rental Housing Act of 1985, and increased the rent while the Tenant's unit was not in compliance with the D.C. Housing Regulations.

On August 11, 2009, Tenant filed a Motion To Withdraw her petition indicating that the parties had reached an agreement.

OAH Rule 2817.5 provides that a voluntary request for withdrawal of a hearing request shall be construed as a voluntary dismissal of the action. 1 DCMR 2817.5. Rule 2717.1 provides 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.” 1 DCMR 2717.1. Unless otherwise stipulated by the parties or provided by statute, rule or order, the dismissal is without prejudice. OAH Rule 2717.1, DCMR 2717.1.

Accordingly, Petitioner’s request is granted and TP 29,538 will be dismissed without prejudice.

Therefore, it is, this **28th** day of **August 2009**:

**ORDERED**, that TP 29,538 is **DISMISSED WITHOUT PREJUDICE**; and it is further

**ORDERED**, that the appeal rights of any party aggrieved by this Order are set forth below.



Louis J. Burnett  
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):**

Barber Becker  
1520 Massachusetts Avenue, S.E.  
Washington, D.C. 20003

George Papageorge  
2333 Branch Avenue, S.E.  
Washington, DC 20020

**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  
Rental Accommodations Division  
Department of Housing and Community  
Development  
1800 Martin Luther King Jr. Ave., SE  
Washington, DC 20020

I hereby certify that on 8-31, 2009  
this document was caused to be served upon the  
above-named parties at the addresses and by the  
means stated.

  
Clerk / Deputy Clerk