

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
941 North Capitol Street, NE, Suite 9100
Washington, DC 20002
TEL: (202) 442-8167
FAX: (202) 442-9451

2009 OCT -2 P 3:30

TAWANDA HAMPTON, Tenant/Petitioner, v. ZEWDI TSEGAY AND ESSAYAS T. HABTE, Housing Providers/Respondent(s).	Case No.: RH-TP-09-29552 <i>In re:</i> 1232 18 th Street, N.E., Unit 1
--	--

FINAL ORDER

I. Introduction

On March 24, 2009, Tawanda Hampton (“Tenant”) filed Tenant Petition 29,552, alleging the following violations of the Rental Housing Act of 1985: (1) the housing accommodation was not properly registered with the Rental Accommodations Division (“RAD”); (2) services and facilities were substantially reduced; and (3) Housing Providers Zewditsegay and Essayas Habte took retaliatory action against Tenant.

Because Tenant failed to appear for the scheduled hearing date and failed to respond this an Order to Show Cause why the petition should not be dismissed, I am dismissing this case, without prejudice, for failure to prosecute.

II. Findings of Fact

1. The housing accommodation at issue in this petition is located at 1232 18th Street, NE, Unit 1.

2. On July 2, 2009, I issued a Case Management Order (“CMO”) scheduling the hearing for July 31, 2009, at 9:30 a.m. Neither party appeared for the hearing. The CMO was mailed to Tenant and Housing Providers by priority mail with delivery confirmation. The United States Postal Service web site reflects that Housing Provider’s copy of the CMO was delivered on July 3, 2009 (Receipt number 0307-1790-0002-0916-0348). The United States Postal Service website reflects that Tenant’s copy of the CMO was not delivered, but that a note was left instructing Tenant that she could pick up the package at the post office or call to arrange for redelivery. (Receipt number 0307-1790-0002-0916-0331). As of the date of the hearing, the website reflected that the CMO had not been picked up.

3. Tenant failed to appear for the hearing on July 31, 2009, and she has not notified this administrative court of any change in address. However, because Tenant did not receive notice of the hearing, on August 14, 2009, I issued an Order directing Claimant to show cause why the petition should not be dismissed. The Order directed Claimant to file a written response no later than September 14, 2009. The Order was mailed to Tenant by priority mail with delivery confirmation. The United States Postal Service web site reflects that the Order was delivered on August 15, 2009. (Receipt number 0307-1790-0002-0916-1260).

4. Tenant failed to file a response to the Order to show cause.

III. Conclusions of Law

This matter is governed by the Rental Housing Act of 1985 (D.C. Official Code §§ 42-3501.01 *et. seq.*) (“Rental Housing Act” or “The Act”), Chapters 41-43 of 14 District of Columbia Municipal Regulations (“DCMR”), the District of Columbia Administrative Procedure

Act (D.C. Official Code §§ 2-501 *et. seq.*) (“DCAPA”), and OAH Rules (1 DCMR 2800 *et. seq.* and 1 DCMR 2920 *et. seq.*).

The DCAPA provides that “In contested cases . . . the proponent of a rule or order shall have the burden of proof. D.C. Official Code § 2-509(b). Tenant has the burden of proof in this case. Tenant did not receive notice of the initial hearing because the scheduling order was not delivered. Although it is not clear whether Tenant is still residing at the property in question, the show cause Order was delivered to that address on August 15, 2009, and Tenant failed to respond to that order. As such, I am dismissing Tenant’s petition, without prejudice, for a failure to prosecute. As the petition is dismissed without prejudice, Tenant may re-file her petition at a later date, if she so chooses.

Under OAH Rule 2818.2 (1 DCMR 2818.2), this Order shall not take effect until 14 days after the date on which it is served, and shall be vacated upon the granting of a motion filed by Tenant/Petitioner within that 14 day period, showing good cause why the case should not be dismissed.

IV. ORDER

Accordingly, it is, this 2nd day of October 2009:

ORDERED, that this case is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED, that this Order shall not take effect until 14 days after the date on which it is served, and shall be vacated upon the granting of a motion filed by Petitioner within that 14 day period, showing good cause why the case should not be dismissed; and it is further

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



Erika L. Pierson
Administrative Law Judge

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, in accordance with the Commission's rule, 14 DCMR 3802. The ten (10) day limit shall begin to run when the order becomes final. 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 First Class Mail (Postage Paid):

Tawanda Hampton
1232 18th Street, NE
Unit 1
Washington, DC 20002

Zewdi Tsegay
Essayas T. Habte
12301 Old Columbia Pike
Unit 310
Silver Spring, MD 20904

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 10-2,
2009, this document was caused to be served
upon the above-named parties at the
addresses and by the means stated.


Clerk / Deputy Clerk

By Inter-Agency Mail: