

-DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
941 North Capitol Street, N.E., Suite 9100
Washington, D.C. 20002
TEL: (202) 442-8167
FAX: (202) 442-9451

DISTRICT OF COLUMBIA
OFFICE OF
ADMINISTRATIVE HEARINGS

2009 SEP 14 PM 2:24

HENRY LOPEZ, ERNEST D. POINDEXTER
AND LEONARD WORLEY,
Tenants/Petitioners,

v.

THOMAS HART, JR.
Housing Provider/Respondent.

Case Nos.: RH-TP-09-29584
RH-TP-09-29585
RH-TP-09-29586

In re: 631 T Street, NW

CONSOLIDATED

FINAL ORDER

On May 12, 2009, Henry Lopez, Ernest D. Poindexter and Leonard Worley filed separate tenant petitions with the District of Columbia Department of Housing and Community Development, Rental Accommodations Division. Respondent Thomas Hart, Jr. was named in each case as the provider of Petitioners' housing accommodation located at 631 T Street, N.W. By Order of Consolidation and Case Management Order dated August 5, 2009, these cases were consolidated, and a hearing was scheduled for September 14, 2009, at 9:30 AM, at the Office of Administrative Hearings.

When the hearing convened, there was no appearance by or on behalf of any of the parties. The file reflects that the Case Management Order was served on the parties by Priority Mail Delivery Confirmation, and the United States Postal Service delivery

confirmation receipts in the file reflect that they were delivered at the addresses which Petitioners provided in the tenant petition. In addition, Petitioners' provided the same addresses for themselves when they appeared on July 16, 2009, in response to the Mediation Order dated June 10, 2009.

OAH Rule 2818.1 provides, in pertinent parts:

For failure of the Petitioner to prosecute or to comply with these Rules or any order of this administrative court . . . the presiding Administrative Law Judge may order . . . dismissal [of the action] on his or her own. Subject to the limitations of Section 2818.2 . . ., a dismissal under this Section . . . constitutes adjudication on the merits.

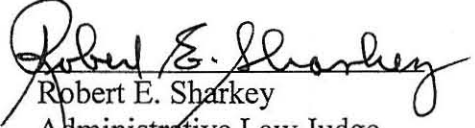
The Petitioners' unexplained failure to appear at the hearing was both a failure by Petitioners to prosecute this case and non-compliance by them with the Case Management Order ordering that they appear at the scheduled hearing. For these reasons, the tenant petitions in these cases will be dismissed pursuant to OAH Rule 2818.1.

Therefore, it is this 14th day of September 2009:

ORDERED, that the consolidated cases Nos: RH-TP-09-29584, RH-TP-09-29585, and RH-TP-09-29586 are hereby **DISMISSED WITH PREJUDICE**; and it is further

ORDERED, that pursuant to OAH Rule 2818.2, this Order shall not take effect until fourteen (14) days after the date of its mailing, and shall be vacated upon the granting of a motion filed within such fourteen (14) day period showing good cause why the case should not be dismissed; and it is further

ORDERED, that the appeal rights of any person aggrieved by this Order are stated below.


Robert E. Sharkey
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 time limit shall begin to run when the order becomes final. If the Order is served on the parties by mail, an additional five (5) business days shall be allowed, in accordance with 1 DCMR 2811.5.

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:**

Henry Lopez
6483 Fenestra Court
Burke, VA 22015

Ernest D. Poindexter
2700 Claybrooke Drive
Baltimore, MD 21244

Leonard Worley
3605 Minnesota Avenue, SE
Unit 302
Washington, DC 20019

Thomas Hart
1221 11th Street, NW
Washington, DC 20001

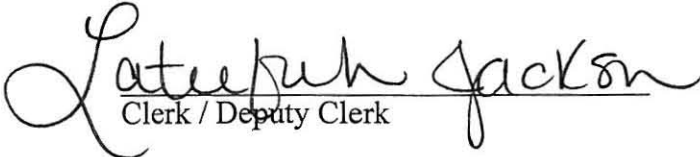
Thomas Hart
2990 K Street, NW
Suite 550
Washington, DC 20007

By Inter-Agency Mail:

District of Columbia Rental Housing
Commission
941 North Capitol Street, N.E.
Suite 9200
Washington, DC 20002

Keith Anderson
Acting Rent Administrator
Rental Accommodations Division
Department of Housing and Community
Development
1800 Martin Luther King, Jr., Avenue, S.E.
Washington, D.C. 20020

I hereby certify that on 9-14
2009, this document was caused to be served
upon the above-named parties at the
addresses and by the means stated.


Clerk / Deputy Clerk