

## **3823 RECONSIDERATION OR MODIFICATION**

- 3823.1 Any party adversely affected by a final decision and order of the Commission that affirms, reverses, or remands a case, or an order that dismisses an appeal, may file a motion for reconsideration or modification with the Commission within fifteen (15) days of service of the decision or order; provided, that an order issued on reconsideration is not subject to reconsideration.
- 3823.2 If any party files a motion for reconsideration or modification within the time provided in § 3823.1, the effect of the decision or order shall be stayed and the time for seeking judicial review of the decision or order shall not start to run until either the Commission rules on the motion or the motion is denied automatically by the expiration of the time provided in §§ 3823.4 and 3823.6.
- 3823.3 A motion for reconsideration shall contain a short and plain statement of the specific grounds on which the moving party considers a final decision and order or an order that dismisses an appeal to be erroneous or unlawful. Grounds for reconsideration shall be as follows:
- (a) The moving party failed to appear at a Commission hearing, to respond to a motion of another party, or to respond to an order of the Commission and the failure resulted in the order dismissing the party's appeal, and the party has good reason for not doing so and would have presented an adequate claim or defense;
  - (b) The decision or order contains a clear mistake in the application of law;
  - (c) The decision or order contains a clerical mistake or clear mistake of the factual record; or
  - (d) There has been a change in circumstances since the initiation of the appeal that makes any relief provided by the decision impossible or inequitable.
- 3823.4 Within thirty (30) days of the filing of a motion for reconsideration, the Commission shall grant the motion, deny the motion, or issue an order enlarging the time for later disposition of the motion.
- 3823.5 An order granting a motion for reconsideration filed pursuant to this section shall be decided by a quorum of the Commission.
- 3823.6 Failure of the Commission to act in the time prescribed by § 3823.4 shall constitute a denial of the motion for reconsideration.
- 3823.7 A motion for modification shall contain a short and plain statement of a specific error that is typographical, numerical, or technical in nature.

## District of Columbia Municipal Regulations

3823.8      An order granting or denying a motion for modification may be issued by a single Commissioner.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1350 (March 7, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).