

3807 STANDARDS OF REVIEW

- 3807.1 The Commission shall reverse a final order of the Rent Administrator or the Office of Administrative Hearings that the Commission finds to be arbitrary, capricious, an abuse of discretion, not in accordance with the provisions of the Act, or that contains findings of fact unsupported by substantial evidence on the record of the proceedings before the Rent Administrator or the Office of Administrative Hearings.
- 3807.2 Interlocutory appeals shall be reviewed pursuant to the provisions found at § 3922 of this title for an order by the Rent Administrator or at 1 DCMR § 2936 for an order by the Office of Administrative Hearings. The Commission shall assign interlocutory appeals priority and may schedule interlocutory appeals for hearing.
- 3807.3 The Commission shall rule on an interlocutory appeal as follows:
- (a) By determining the merits of the appeal based upon § 3922 of this title for an order by the Rent Administrator or at 1 DCMR § 2936 for an order by the Office of Administrative Hearings; or
 - (b) By dismissing the interlocutory appeal without prejudice and leaving the issue to be determined by the Rent Administrator or the Office of Administrative Hearings, if the Commission determines that the interlocutory appeal was incorrectly certified under the applicable rules.
- 3807.4 Review by the Commission shall be limited to the issues raised in the proceedings below and in the notice of appeal; provided, that the Commission may correct plain error or minor, technical mistakes on its own initiative.
- 3807.5 The Commission shall not receive new evidence on appeal.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1341 (March 7, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).