United States Small Business Administration
Office of Hearings and Appeals

IN THE MATTER OF:

GC Upstate Environmental Solutions Corp.

Petitioner

SBA No. BDP-330

Decided: October 23, 2009

ORDER DISMISSING APPEAL*

On or about May 18, 2009, the Small Business Administration (SBA) denied GC Upstate Environmental Solutions Corp. (Petitioner) reconsideration of the SBA's decision to deny Petitioner entry into the 8(a) program. An appeal of the SBA's decision to the Office of Hearings and Appeals must be filed within forty-five calendar days of the date of receipt of the SBA's letter denying reconsideration. *See* 13 C.F.R. §124.206(c).

On August 10, 2009, Petitioner appealed the determination issued by the SBA denying Petitioner entry into the 8(a) program. On August 11, 2009, Petitioner was ordered to serve copies of the appeal petition on the SBA's Director of the Office of Business Development and the SBA's Associate General Counsel for Procurement Law. *See* 13 C.F.R. §§ 134.204, .403(a)(1). Petitioner filed a certificate showing the required service on August 12, 2009.

On September 8, 2009, I issued a Show Cause Order requiring Petitioner to file evidence by September 30, 2009, showing when it received the SBA's Decision Letter and why its appeal, filed on August 10, 2009, should not be dismissed as untimely.

As of the date of this Order, Petitioner has not responded to the Show Cause Order. Accordingly, I find Petitioner's appeal to be untimely and ORDER that it is DISMISSED.

Subject to 13 C.F.R. § 134.409(c), this is the final decision of the Small Business Administration. *See* Small Business Act § 8(a)(9)(D), 15 U.S.C. § 637(a)(9)(D); 13 C.F.R. § 134.409(a).

BRENDA P. MURRAY
Administrative Law Judge

* Sitting by designation pursuant to notice issued September 2, 2009.