

**United States Small Business Administration
Office of Hearings and Appeals**

IN THE MATTER OF:

Aries Computer Systems, Inc.

Petitioner

SBA No. BDP-343

Decided: March 12, 2010

ORDER DISMISSING APPEAL

On November 9, 2009, the Small Business Administration (SBA) terminated Aries Computer Systems, Inc. (Petitioner) from the 8(a) Business Development (BD) program. Petitioner was terminated from the 8(a) BD program for a pattern of failure to make required submissions to the SBA in a timely manner, 13 C.F.R. § 124.303(a)(7), and for a failure to maintain its 8(a) BD program eligibility, 13 C.F.R. § 124.303(a)(2).

On January 8, 2010, Petitioner appealed SBA's determination terminating Petitioner from the 8(a) BD program. Petitioner's Appeal Petition did not include a clear and concise statement of the factual basis of the case and the relief being sought, was not served upon the SBA's Associate General Counsel for Litigation, and did not include a certificate of service.

On January 11, 2010, Petitioner was ordered to correct the deficiencies in its Appeal Petition. Petitioner was advised that failure to correct the deficiencies as set forth in the Notice and Deficiency Order could result in dismissal of the appeal.

On March 5, 2010, Petitioner filed an Amended Appeal Petition. In its Amended Appeal Petition, Petitioner explains the challenges it faced in furnishing required documentation to SBA in a timely manner. In its Amended Appeal Petition, Petitioner does not deny that it failed to submit reports required by the SBA and does not deny the SBA's allegation that it failed to maintain its 8(a) BD program eligibility.

I must "decline to accept jurisdiction" over any appeal that does not, on its face, allege facts that, if proven to be true, would warrant reversal of the SBA's determination. 13 C.F.R. § 134.405(a)(1).

By not denying it failed to make required submissions to the SBA and by not addressing the claim that it failed to maintain 8(a) BD program eligibility, Petitioner's appeal fails to allege any facts that, if proven true, would warrant reversal of the SBA's decision to terminate Petitioner from the 8(a) BD program. Thus, I am required to "decline to accept jurisdiction"

to hear this appeal and the appeal of the SBA's decision to terminate Petitioner from the 8(a) BD program must be 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