

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

IN THE MATTER OF:

J. Millennium Enterprises, Inc.,

Petitioner

SBA No. BDP-370

Decided: September 23, 2010

ORDER DISMISSING APPEAL

On September 1, 2010, the Small Business Administration (SBA) moved to dismiss the appeal of J. Millennium Enterprises, Inc. (Petitioner) for lack of jurisdiction because the appeal “‘does not, on its face, allege facts that, if proven to be true, would warrant reversal or modification’ of SBA's determination to terminate [Petitioner] from the 8(a) Business Development (BD) Program.” SBA's Motion to Dismiss at 1 (quoting 13 C.F.R. § 134.405(a)(1)).

SBA asserts Petitioner has been a participant in the 8(a) BD program since 2008 and, upon entry, Petitioner agreed to comply with the 8(a) BD program regulations, including annual submission of financial documents. SBA's Motion to Dismiss at 1 (citing 13 C.F.R. § 124.112(b)). SBA states Petitioner has not complied with the requirement and “has failed to provide any of the required financial submissions.” SBA's Motion to Dismiss at 1. SBA assert Petitioner admits failing to produce the requested documents and does not allege any facts that, if taken as true, would warrant the reversal or modification of SBA's decision.

SBA's motion to dismiss the appeal for lack jurisdiction is GRANTED. Petitioner's appeal “does not on its face, allege facts that, if proven to be true, would warrant reversal or modification of the determination” to terminate Petitioner from the 8(a) BD program. 13 C.F.R. § 134, 405(a)(1). I also note Petitioner did not respond to SBA's motion to dismiss and, accordingly, is deemed to have consented to SBA's motion, 13 C.F.R. § 134.211(c).

Subject to 13 C.F.R. § 134.409(c), this is the final decision of the Small Business Administration. 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