

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

IN THE MATTER OF:

LCCCS,

Petitioner

SBA No. BDP-373

Decided: September 29, 2010

ORDER DISMISSING APPEAL

On April 19, 2010, the U.S. Small Business Administration (SBA) notified LCCCS (Petitioner) of SBA's intent to terminate Petitioner from the 8(a) Business Development (BD) program because Petitioner: failed to maintain its eligibility for 8(a) BD program participation; failed to make required submissions to SBA in a timely manner; and materially breached the terms of its participation agreement. Petitioner did not respond to SBA's intent to terminate letter and, on August 9, 2010, SBA terminated Petitioner from the 8(a) BD program.

On September 27, 2010, Petitioner appealed the SBA's determination terminating Petitioner from the 8(a) BD program. *See* 13 C.F.R. Parts 124 & 134. Petitioner's appeal notes, "[d]ue to staff turnovers and server crashes," Petitioner was unable to retrieve information "which triggered a chain of delays to everyone that needed access to [Petitioner's] past and current tax information including SBA." 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).

The Small Business Act requires me to decline to accept jurisdiction if an appeal "does not, on its face, allege facts that, if proven to be true, would warrant reversal or modification of the Administration's position." Small Business Act, § 8(a)(9)(E)(i), 15 U.S.C. § 637(a)(9)(E)(i).

Thus, because the appeal does not allege facts that would warrant reversal or modification of the SBA's determination, I must decline to accept jurisdiction and, accordingly, the appeal 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