

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

IN THE MATTER OF:

United Medical Supplies, Inc.,

Petitioner

SBA No. BDP-402

Decided: July 12, 2011

ORDER GRANTING MOTION TO DISMISS

On March 1, 2011, the U.S. Small Business Administration (SBA) terminated United Medical Supplies, Inc. (Petitioner) from the 8(a) Business Development (BD) program for failing to submit its “business plan update, personal financial statements, corporate and individual tax returns, and certifications relating to program eligibility” in violation of 13 C.F.R. § 124.303(a)(7).

On March 28, 2011, Petitioner appealed the determination stating that “information from my accountant was delayed” and that “[w]e are asking that we can be reconsider [sic] for the program. Our accounting information is complete.”

On May 2, 2011, SBA submitted a Motion to Dismiss Appeal for Lack of Jurisdiction or, in the Alternative, for Summary Judgment (“Motion”) asserting that the Petition does not allege any facts that, if taken as true, would warrant the reversal or modification of SBA's decision to terminate Petitioner from the 8(a) BD program.

As of the date of this order, Petitioner has failed to file a response. If a non-moving party fails to file and serve a response to a motion within 15 days after the service of a motion, the non-moving party is deemed to have consented to the relief sought. 13 C.F.R. § 134.211(c). Accordingly, Petitioner is deemed to have consented to the dismissal of this appeal.

Good cause having been shown, SBA's Motion to Dismiss for Lack of Jurisdiction is **GRANTED**, and 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).

SPENCER T. NISSEN
Administrative Law Judge