

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

IN THE MATTER OF:

Nu-Life Medical Equipment and Supplies,  
Inc.

Petitioner

SBA No. BDPT-596

Decided: December 7, 2021

ORDER DISMISSING APPEAL<sup>1</sup>

I. Background

On November 18, 2021, the Associate Administrator of the Office of Business Development of the Small Business Administration (SBA) terminated Nu-Life Medical Equipment and Supplies, Inc. (Petitioner) from SBA's 8(a) Business Development (BD) program for failure to provide required reports and documents to SBA.

On November 22, 2021, Petitioner filed the instant appeal.<sup>2</sup> The appeal consists of a copy of a letter from Petitioner to SBA's Acting Administrator, dated March 18, 2021, complaining of the burden of paperwork required by the BD program on a very small, three-employee business, and that it had received no revenue from the program. Petitioner has some barely legible handwritten comments on the letter, about sending it to the BD program “to stop the garbage”. Petitioner also includes a copy of the Instructions for Appeal Process sent by SBA, on which there is another handwritten comment that states, “7 page appeals instructions indicate that only millionaires can fight the system, not small, women, minority owned Biz ... in three years we did not make a dollar — why would keep filing paper that has nothing to do with SBA.”

In filing its appeal, Petitioner failed to serve a copy of the appeal to SBA's Director, Office of Business Development, and the Associate General Counsel for Litigation as required by 13 C.F.R. § 134.403(a)-(b)(1).

On November 23, 2021, OHA issued an Order to Show Cause why the appeal should not be dismissed for failure to allege facts that, if proven to be true, would warrant reversal or

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<sup>1</sup> This appeal is decided under the Small Business Act of 1958, 15 U.S.C. § 631 *et seq.*, and 13 C.F.R. parts 124 and 134.

<sup>2</sup> Petitioner filed its appeal on Saturday, November 20, 2021. Therefore, it is counted as filed on the next business day. 13 C.F.R. § 134.204(b)(2).

modification of the termination, and for lack of jurisdiction. On that same day, after receipt of OHA's order, Petitioner responded by stating, "WE said have all we wanted. Thanks" (*sic*). (E-mail from nulifemedical12@gmail.com to C. Lee (Nov. 23, 2021) (emphasis Petitioner's).)

## II. Discussion

The regulations require OHA 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 termination. *See* 13 C.F.R. § 134.405(a)(1). OHA must also decline to accept jurisdiction if the appeal is not filed in accordance with the procedural requirements of the regulations. *See* 13 C.F.R. § 134.405(a)(2).

Here, Petitioner has failed to allege any facts which, if true, would warrant reversal of SBA's termination. Petitioner has presented no argument, other than complaints about the burden of filing the necessary paperwork to comply with the BD program requirements. Petitioner states no reasons why the termination decision is arbitrary, capricious or contrary to law. 13 C.F.R. § 134.406(b). Petitioner also failed to serve the SBA officials as required by the regulation. 13 C.F.R. § 134.403(a); Section I, *supra*.

I, therefore, conclude that the regulations require me to DISMISS Petitioner's appeal for lack of jurisdiction. 13 C.F.R. § 134.405(a)(1)-(2).

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).

CHRISTOPHER HOLLEMAN  
Administrative Judge