United States Small Business Administration
Office of Hearings and Appeals

IN THE MATTER OF:	
Teamus Construction Co., Inc. Appellant	SBA No. VET-148 (PFR) No. VET-146
Solicitation Nos. VA-244-08-1B-0330 and VA-244-08-1B-0347	Decided: February 4, 2009

ORDER DISMISSING PETITION FOR RECONSIDERATION[1]

On January 6, 2009, I issued *Matter of Teamus Construction Co., Inc.,* SBA No. VET-146 (2009) *(Matter of Teamus)*. There I affirmed the determination of the Small Business Administration's (SBA) Director of Government Contracting (D/GC) that Teamus Construction Co., Inc. (Appellant), was not controlled by a service-disabled veteran pursuant to the requirements of 13 C.F.R. § 125.10.

On January 28, 2009, Appellant filed a Petition for Reconsideration (PFR) of my decision in *Matter of Teamus*. The PFR acknowledges service of my decision on January 7, 2009.[2] The PFR asserts that I made a clear error of fact and law in affirming the D/GC's determination.

Appellant's PFR is clearly untimely. The regulations governing SDVO SBC appeals provide that a party may request reconsideration by filing and serving a petition for reconsideration on all the parties to the appeal within 20 calendar days after service of the written decision. 13 C.F.R. § 134.515(b). Twenty calendar days from January 7, 2009, is January 27, 2009. *See* 13 C.F.R. § 134.103(a) (method for counting days). Appellant's PFR was due on January 27, 2009, at 5:00 p.m. *See* 13 C.F.R. § 134.204(b)(2) (filing deadline).

Accordingly, I must dismiss Appellant's PFR because it is untimely.

Further, the PFR only restates certain of the arguments presented in Appellant's original appeal petition. The governing regulations require that a request for reconsideration must clearly show an error of fact or law material to the decision. 13 C.F.R. § 134.515(b). Under this regulation, a party moving for reconsideration may not merely recapitulate the arguments OHA

[1] This appeal is decided under the Small Business Act of 1958, 15 U.S.C. § 631 *et seq.*, and 13 C.F.R. Parts 125 and 134.

[2] Records of the Office of Hearings and Appeals (OHA) show that OHA staff served the decision by facsimile transmission upon Appellant's attorney on January 7, 2009, at 10:15 a.m.

considered before rendering its original decision, or attempt a rehearing based upon the evidence previously presented. *Matter of Singleton Enterprises-GMT Mechanical, A Joint Venture*, SBA No. VET-133, at 3 (2008) (citing *Fru-Con Constr. Corp. v. United States*, 44 Fed. Cl. 298, 301 (1999)). The purpose of a petition for reconsideration is not to revisit previously considered issues or to rehash original arguments. *Id*. Thus, even if the PFR were not untimely, I would have to dismiss it for this reason.

Appellant's Petition for Reconsideration IS DISMISSED.

CHRISTOPHER HOLLEMAN
Administrative Judge