

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

IN THE MATTER OF:

Young Transportation, Inc.

Petitioner

SBA No. BDP-353

Decided: May 25, 2010

ORDER GRANTING MOTION TO DISMISS

On March 8, 2010, the U.S. Small Business Administration (SBA) terminated Young Transportation, Inc. (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 received notice of SBA's 8(a) BD program termination on March 10, 2010. Petitioner appealed SBA's termination on April 2, 2010. Petitioner's president stated he hand-delivered documentation to SBA on October 28, 2009. Petitioner's president included the same information with his appeal and indicated he hoped the information would stop the proposal to terminate Petitioner's 8(a) BD program participation.

On May 14, 2010, SBA moved to dismiss this appeal for lack of jurisdiction because the appeal petition did not allege facts that, if proven true, would warrant reversal of the SBA determination. 13 C.F.R. §§ 134.211, 134.405(a)(1).

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 20 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 dismissal of this appeal.

The SBA motion to dismiss 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 and is binding on the parties. 15 U.S.C. § 637(a)(9)(D); 13 C.F.R. § 134.409(a).

BRENDA P. MURRAY
Administrative Law Judge