

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

IN THE MATTER OF:

Secure Trendz, Inc.

Petitioner

SBA No. BDP-371

Decided: September 29, 2010

ORDER DISMISSING UNTIMELY APPEAL

On September 27, 2010, Secure Trendz, Inc. (Petitioner) appealed the April 29, 2010 determination of the Small Business Administration (SBA) terminating Petitioner from the 8(a) Business Development (BD) program. *See* 13 C.F.R. Parts 124 & 134.

In accordance with 13 C.F.R. § 134.404, “An 8(a) appeal petition must be filed within 45 calendar days after receipt of the SBA determination being appealed.” *See also* 13 C.F.R. § 124.304(e). The SBA determination was sent by certified mail (7009 0080 0000 9229 3744) to Petitioner. The SBA determination was successfully delivered to Petitioner at 1:17pm on May 3, 2010. *See* United States Postal Service Track & Confirm, *available at* www.usps.com (all internet materials as visited September 27, 2010 and available in SBA's Office of Hearings and Appeals case file). Thus, the deadline for Petitioner's appeal was June 17, 2010. Petitioner filed its appeal petition with OHA on September 27, 2010, over one hundred days after the deadline. Therefore, the appeal petition is untimely filed.

The Small Business Act requires me to decline to accept jurisdiction if an appeal is untimely filed. Small Business Act, § 8(a)(9)(E)(ii), 15 U.S.C. § 637(a)(9)(E)(ii); *see also* 13 C.F.R. § 134.405(a)(2). The regulations further prohibit a judge to modify time limits established by statute and those governing when a case may be commenced. 13 C.F.R. § 134.202(d)(2)(i)(A).

Accordingly, because the appeal petition is untimely filed and I must decline to accept jurisdiction over it, 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