

**UNITED STATES OF AMERICA  
UNITED STATES SMALL BUSINESS ADMINISTRATION  
OFFICE OF HEARINGS AND APPEALS  
WASHINGTON, D.C.**

**ADMINISTRATIVE ORDER**

On September 16, 2021, the U.S. Small Business Administration published in the Federal Register a Final Rule titled “Borrower Appeals of Final SBA Loan Review Decisions Under the Paycheck Protection Program.” 86 Fed. Reg. 51589. This rule, codified at 13 C.F.R. Part 134, Subpart L, provides Paycheck Protection Program (PPP) borrowers with the process to appeal certain final SBA loan review decisions under the PPP to the Office of Hearings and Appeals (OHA) and sets forth the procedures that are applicable to an appeal hearing before OHA. *See* 13 C.F.R. § 134.1201, *et seq.*

One of the regulations in Subpart L, 13 C.F.R. § 134.1202(c), sets forth information on how to calculate the time period for a deadline. The regulation provides the following information to determine a deadline:

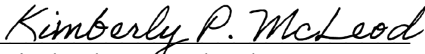
- (c)(1) Do not count the day the time period begins, but do count the last day of the time period.
- (2) If the last day is Saturday, Sunday, or a Federal holiday, the time period ends on the next business day.

*Example:* On a Thursday, a borrower receives a final SBA loan review decision. The time period begins on Thursday, so the first day to count is Friday. Because the 30th calendar day after receipt of the decision is a Saturday, the appeal deadline extends to the next business day, which is Monday.

13 C.F.R. § 134.1202(c).

OHA is issuing this Order to clarify that 13 C.F.R. § 134.1202(c) applies not only to the time period applicable to the commencement of an appeal filed pursuant to 13 C.F.R Part 134, Subpart L, but also applies to all filing deadlines made pursuant to that subpart, including, but not limited to the filing deadlines for motions, administrative records, and responses.

It is SO ORDERED this 11th day of January, 2022.

  
Kimberly P. McLeod  
Assistant Administrator for Hearings and Appeals  
Office of Hearings and Appeals