

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

CVE Appeal of:

Arctic Tundra Supply and Services, LLC,

Appellant

SBA No. CVE-130-A

Decided: August 6, 2019

ORDER DISMISSING APPEAL¹

I. Background

On July 30, 2019, the U.S. Department of Veterans Affairs, Center for Verification and Evaluation (CVE) denied the application of Arctic Tundra Supply and Services LLC (Appellant) for verification as a Service-Disabled Veteran-Owned Small Business (SDVOSB) in the CVE's Vendor Information Pages database. CVE determined that Appellant did not provide supporting documentation from which CVE could conclude (1) that Appellant's service-disabled veteran owner, Mr. Vincent M. Schuerch, controls and manages the daily activity of Appellant; (2) that Mr. Schuerch has direct experience in Appellant's primary industry; and (3) that Appellant can exercise independent business judgment without great economic risk. (Notice of Denial at 2-5.)

Later that same day, Appellant filed the instant appeal with the U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA). Appellant asks that OHA “reconsider this denial,” but does not allege any error in CVE's decision. (Appeal at 1.) Appellant further acknowledges that it “do[es] not have additional documents” that it could have provided to alleviate CVE's concerns. (*Id.*)

II. Analysis

Under OHA's rules of procedure, Appellant has the burden of proving, by a preponderance of the evidence, that CVE's denial is based on a clear error of fact or law. 13 C.F.R. § 134.1111. As a result, a proper CVE appeal petition must include “[a] statement of why the cancellation or denial is in error.” *Id.* § 134.1105(a)(2). An appeal that does not meet this requirement is deficient and may be summarily dismissed. *Id.* § 134.1105(d).

¹ This appeal is decided under 38 U.S.C. § 8127(f)(8)(A) and 13 C.F.R. part 134 subpart K.

Here, Appellant does not identify any error in CVE's decision, nor does Appellant contend that CVE committed any errors. Appellant requests that OHA “reconsider” the denial but has not articulated any valid basis for OHA to disturb CVE's decision. Accordingly, this appeal is defective and must be dismissed. *CVE Appeal of Secure2ware, Inc.*, SBA No. CVE-111-A, at 2 (2019) (rejecting appeal that “d[id] not include any statements, arguments, or evidence as to why the CVE's determination was based on clear error of fact or law”).

III. Conclusion

For the above reasons, the appeal is DISMISSED. This is the final agency action of the U.S. Small Business Administration. 38 U.S.C. § 8127(f)(8)(A); 13 C.F.R. § 134.1112(d).

KENNETH M. HYDE
Administrative Judge