

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

SIZE APPEAL OF:

JEQ & Co., LLC,

Appellant,

RE: American Metal Fabrication, Inc.

Solicitation No. SPE7M418T7221
Defense Logistics Agency
Columbus, OH

SBA No. SIZ-5910

Decided: May 17, 2018

ORDER DISMISSING APPEAL¹

On May 7, 2018, the U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA) received an appeal petition from JEQ & Co., LLC (Appellant) concerning the subject procurement. In the appeal, Appellant asserts that “the award should have been made to [Appellant]” rather than the challenged firm, and asks that OHA correct “the erroneous award decision”. (Appeal, at 4-5.) The appeal did not reference any size determination rendered by SBA that Appellant seeks to appeal to OHA.

Because the appeal appeared to consist of bid protest allegations beyond OHA's jurisdiction, OHA ordered Appellant to show cause why the appeal should not be dismissed. On May 15, 2018, Appellant conceded that OHA lacks jurisdiction and requested leave to withdraw its appeal. (E-mail from J. Queern to D. Kane (May 15, 2018).)

Appellant's request is **GRANTED**. As there is no longer any case or controversy to be decided, the appeal is **DISMISSED**. *See, e.g., Size Appeal of CSI Aviation, Inc.*, SBA No. SIZ-5878 (2018).

This is the final decision of the U.S. Small Business Administration. 13 C.F.R. § 134.316(d).

KENNETH M. HYDE
Administrative Judge

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 121 and 134.