United States Small Business Administration
Office of Hearings and Appeals

IN THE MATTER OF:	
Airborne Construction Services, LLC	SBA No. VET-204
Appellant	Issued: November 17, 2010
Solicitation No. VA-701-10-RA-0031 U.S. Department of Veterans Affairs	

ORDER DISMISSING APPEAL

On June 2, 2010, Fleet Services and Installation, LLC (Fleet) filed a protest with the U.S. Department of Veterans Affairs (VA) Contracting Officer (CO) for Solicitation No. VA-701-10-RA-0031, challenging the status of Airborne Construction Services, LLC (Appellant) as a service-disabled veteran-owned small business concern (SDVO SBC). The CO submitted the protest to VA's Office of Small and Disadvantaged Business Utilization (OSDBU).

On September 29, 2010, the VA OSDBU issued a determination that Appellant is not an eligible SDVO SBC. The determination provides that it is effective immediately and is final, and it does not inform Appellant of any right to appeal the determination.

On October 28, 2010, Appellant filed the instant appeal of the VA OSDBU's determination with the U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA). Appellant asserts that OHA has jurisdiction over this protest pursuant to 13 C.F.R. §§ 125.28 and 134.102, which confer authority upon OHA to review determinations of a concern's SDVO status made under 13 C.F.R. Part 125. Appellant also alleges procedural and legal errors relating to the VA OSDBU determination.

On November 8, 2010, Fleet filed its response to the appeal petition. Fleet requests that OHA dismiss the appeal for lack of jurisdiction. Fleet asserts OHA's decision in *Matter of Reese Goel JV*, SBA No. VET-199 (2010), establishes that OHA does not have jurisdiction over status determinations issued by the VA OSDBU.

As explained at length in the *Reese Goel* decision, and again in *Matter of Airborne Construction Services, LLC*, SBA No. VET-203 (2010), OHA has no authority to decide appeals from VA OSDBU eligibility determinations. 13 C.F.R. Parts 125 and 134 only confer jurisdiction upon OHA to hear SDVO SBC appeals from determinations issued by SBA's Director of Government Contracting.

Because OHA lacks jurisdiction to hear the instant appeal, the appeal is hereby DISMISSED.

This is the final decision of the Small Business Administration. 13 C.F.R. § 134.515(a).

CHRISTOPHER HOLLEMAN
Administrative Judge