

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

VSBC APPEAL OF:

RTC Investigations and Mediation, LLC,

Appellant

SBA No. VSBC-257-A

Decided: February 8, 2023

ORDER DISMISSING APPEAL<sup>1</sup>

On January 26, 2023, RTC Investigations and Mediation, LLC (Appellant) appealed the denial of its application for certification as a Service-Disabled Veteran-Owned Small Business (SDVOSB) to the U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA). The denial letter stated that SBA was unable to certify Appellant as an SDVOSB, solely because the U.S. Department of Veterans Affairs (VA) “could not confirm the veteran designation of the owner(s) you provided: Roderick Cooks.” (Denial at 1.)

On January 27, 2023, OHA ordered Appellant to show cause, no later than February 3, 2023, why the appeal should not be dismissed. OHA explained that the appeal appeared to involve issues beyond OHA's jurisdiction and/or issues which may not be appealed to OHA. (Order to Show Cause at 1.) More specifically, applicable regulations instruct that “[a] denial or decertification based on the failure to provide sufficient evidence of the qualifying individual's status as a veteran or a service-disabled veteran are final VA decisions and not subject to appeal to OHA.” 13 C.F.R. § 134.1103; *see also* 13 C.F.R. § 128.304. Appellant did not respond to OHA's Order.

By failing to respond to OHA's Order to Show Cause, Appellant essentially concedes that OHA lacks jurisdiction over this matter. As noted above, the only issue in this case is the veteran status of Mr. Cooks, and such matters are determined solely by VA and are not subject to appeal to OHA.

Accordingly, the appeal is DISMISSED. This is the final decision of the U.S. Small Business Administration. 13 C.F.R. § 134.1112(d).

Kenneth M. Hyde  
Administrative Judge

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<sup>1</sup> This appeal is decided under the Small Business Act of 1958, 15 U.S.C. §§ 631 *et seq.*, and 13 C.F.R. parts 128 and 134 subpart K.