

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

VSBC APPEAL OF:

Newport Hall, Inc.,

Appellant,

SBA No. VSBC-260-A

Decided: February 9, 2023

ORDER DISMISSING APPEAL¹

On January 30, 2023, Newport Hall, Inc. (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: DAVID GERRIE.” (Denial at 1.)

On February 1, 2023, OHA ordered Appellant to show cause, no later than February 8, 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 the Order to Show Cause, and the time to do so has lapsed. Thus, I find Appellant has not shown that this matter is within OHA's jurisdiction. As noted above, the only issue in this case is the veteran status of Mr. Gerrie, and such matters are determined solely by VA and are not subject to appeal to OHA. *See also VSBC Appeal o/RTC Investigations and Mediation, LLC*, SBA No. VSBC-257-A (2023).

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

CHRISTOPHER HOLLEMAN
Administrative Judge

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