

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

VSBC Appeal of:

SSC Construction Management, LLC,

Appellant

SBA No. VSBC-378-A

Decided: August 2, 2024

ORDER DISMISSING APPEAL¹

On July 19, 2024, SSC Construction Management, 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).

Although the appeal petition was deficient, Appellant's deadline for filing a proper appeal had not yet expired. As a result, OHA ordered that Appellant would have until August 1, 2024 to submit a new appeal petition. OHA explained that the existing appeal was insufficient for several reasons. First, the appeal did not clearly identify what error(s), if any, Appellant alleged the Director of SBA's Office of Government Contracting (D/GC) to have committed, as is necessary for a valid appeal under 13 C.F.R. §§ 134.1105(a)(2) and 134.1111. (Order at 1.) The D/GC denied Appellant's application upon finding that the qualifying service-disabled veteran did not directly own Appellant through a trust, since he is not the sole trustee. (*Id.*) Appellant conceded that it was in the process of amending the trust agreement at the time Appellant received the denial letter. (*Id.*) Furthermore, the appeal to be based largely on new evidence, specifically an Amended Revocable Trust agreement dated July 19, 2024, but Appellant did not attempt to explain why good cause exists to introduce new evidence on appeal. (*Id.*)

In response to OHA's Order, Appellant submitted a new appeal petition. In the new appeal, Appellant renews its contention that the amended trust is sufficient to resolve the D/GC's concerns. (New Appeal at 2.) Accompanying the new appeal petition, Appellant again offers a copy of the July 19, 2024 Amended Revocable Trust. (*Id.*) Appellant does not attempt to argue that good cause exists for OHA to consider the new evidence.

The instant appeal, even as revised, remains deficient and must be dismissed. Like Appellant's original appeal petition, the new appeal does not clearly identify any error in the D/GC's decision. While Appellant has now amended the trust agreement, Appellant does not

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 128 and 134 subpart K.

dispute the D/GC's determination that Appellant's ownership structure was noncompliant at the time of the D/GC's decision on July 18, 2024. Furthermore, OHA generally is precluded in an SDVOSB appeal proceeding from considering new evidence for the first time on appeal, unless good cause is shown. 13 C.F.R. § 134.1110. Appellant here has not attempted to explain why good cause exists to admit new evidence.

Under OHA's rule of procedure, a deficient appeal may be summarily dismissed. 13 C.F.R. § 134.1105(d). Such is the case here, as Appellant has not alleged any error on the part of the D/GC, and does not dispute the D/GC's key finding or analysis. *VSBC Appeal of Felix L. Lee Elec., LLC*, SBA No. VSBC-357-A (2024); *VSBC Appeal of Willpower Athletes, LLC*, SBA No. VSBC-330-A (2024); *VSBC Appeal of Divinely Elegant Vines LLC*, SBA No. VSBC-317-A (2023); *CVE Appeal of Watanabe Enters., LLC*, SBA No. CVE-218-A (2022), *recons. denied*, SBA No. CVE-224-A (2022) (PFR); *CVE Appeal of Rock Int'l Env't Corp.*, SBA No. CVE-168-A (2020).

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