

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

VSBC Appeal of:

Sharp Solutions, Inc.,

Appellant

SBA No. VSBC-391-A

Decided: September 13, 2024

ORDER DISMISSING APPEAL¹

On August 28, 2024, Sharp Solutions, 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).

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 September 12, 2024 to submit a new appeal petition. OHA explained that the existing appeal was insufficient because it 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 Appellant's non-service-disabled veteran director has the power to exert negative control over Appellant, since she could block a quorum of the board of directors. (*Id.*) In its appeal petition, though, Appellant did not claim the D/GC erred in this finding. (*Id.*) Rather, Appellant contended that it amended its bylaws in an effort to address the D/GC's concerns. (*Id.*) Furthermore, in an SDVOSB appeal proceeding, OHA generally cannot consider new evidence for the first time on appeal, unless good cause is shown. (*Id.*, citing 13 C.F.R. § 134.1110.) Insofar as this appeal is based on new evidence — *i.e.*, recent revisions to Appellant's bylaws — it does not appear that such evidence would be properly before OHA. Appellant did not submit a new appeal petition, nor otherwise respond to OHA's Order.

Under OHA's rules of procedure, a deficient appeal may be summarily dismissed. 13 C.F.R. § 134.1105(d). Here, as discussed above, Appellant's appeal is deficient, and Appellant did not avail itself of the opportunity to cure the defects. *E.g.*, *VSBC Appeal of Patton Myhre Sourcing, LP*, SBA No. VSBC-377-A (2024); *VSBC Appeal of Hab & Rehab Custom Builders, LLC*, SBA No. VSBC-373-A (2024).

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

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