

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

IN THE MATTER OF:

Women's Venture Fund

Petitioner

SBA No. WBC-104

Decided: March 19, 2010

**ORDER DISMISSING APPEAL**

**I. Background**

Petitioner Women's Venture Fund (Petitioner) is a non-profit organization that operates a Women's Business Center (WBC) in New York, New York, and a WBC in Newark, New Jersey. On August 3, 2005, the Small Business Administration (SBA) Office of Women's Business Ownership (OWBO) issued a grant award to the New York WBC and, on September 20, 2006, the Newark WBC. Appeal Petition at 2, Ex. A, Ex. B. On September 26, 2008, SBA notified Petitioner the awards to both the New York and Newark WBCs would be suspended based on an audit. *Id.* at 3-4, Ex. F.

On November 12, 2008, Petitioner appealed SBA's suspension of the WBC grants. *Id.*

On February 5, 2009, the Office of Hearings and Appeals (OHA) issued *Matter of Women's Venture Fund*, SBA No. WBC-102 (2009). The decision lifted the SBA's suspension of WBC grants to Petitioner because the SBA's suspension was imposed before a final agency decision was issued.

On April 24, 2009, Petitioner received revised notices of awards that were required to be signed within five business days of receipt. Appeal Petition at 5-6, Ex. T. On April 30, 2009, Petitioner informed SBA it intended to agree to the revised notices of award. *Id.* at 8, Ex. U. On May 1, 2009, SBA reminded Petitioner the notices were required to be signed by the close of business or SBA would consider Petitioner to have voluntarily withdrawn from the WBC program. *Id.* at 8 and Ex. V. Petitioner did not sign and return the revised notice of awards to SBA within the required timeframe. SBA Answer at 4, 7-13, Ex. 9.

On June 15, 2009, Petitioner filed a petition with the OHA. Petitioner characterizes SBA's actions as an "improper and unreasonable de facto or constructive nonrenewal or termination of its grants." Appeal Petition at 1. Petitioner argues that it could not sign the contracts as drafted because the inception date of the award included the period when Petitioner was suspended and the term "budget period" was incorrectly defined. *Id.* at 6-8. Petitioner

requests a modification or addendum to its 2008 – 2009 grants that reflects Petitioner was not operational during the period it was suspended by SBA and provides “that the performance goals and milestones that will be expected of each WBC for the remainder of the grant years will be substantially similar to the performance goals and milestones set for equivalent time periods for [Petitioner’s] WBCs in the past and/or for other comparable Women Business Centers.” *Id.* at 1, 12.

On July 30, 2009, SBA filed an answer. SBA argues OHA lacks jurisdiction because OHA only has authority to conduct proceedings arising from suspensions, terminations, or nonrenewals of cooperative agreements with WBCs and SBA did not suspend, terminate, or fail to renew Petitioner’s cooperative agreements. SBA Answer at 7-9. SBA asserts Petitioner relinquished its award by refusing to sign and return the revised notices of award. *Id.* at 7-8.

## II. Discussion

The Small Business Act and SBA regulations limit OHA’s jurisdiction to matters involving suspensions, terminations, or nonrenewals of cooperative agreements with WBCs. 15 U.S.C. § 656(i); 13 C.F.R. § 134.102(o). Suspensions, terminations, or nonrenewals of cooperative agreements with WBCs are all formal determinations which afford recipient organizations an opportunity for a hearing, appeal, or other administrative proceeding. 13 C.F.R. §§ 130.700(a), 143.43(b). OHA’s jurisdiction does not extend to every matter involving WBCs and the regulations do not recognize the concept of a de facto suspension, termination, or nonrenewal.

The fact that Petitioner objected to terms in the revised notices of awards is insufficient to confer jurisdiction on OHA to hear this matter. Moreover, Petitioner cannot appeal the SBA’s suspension, termination, or nonrenewal because the SBA did not did not suspend, terminate, or fail to renew Petitioner’s cooperative agreements. SBA provided Petitioner an opportunity to accept revised notices of awards that were required to be signed within five business days of receipt. Petitioner declined to sign the notices of awards.

## III. Conclusion

OHA does not have jurisdiction over this appeal. Thus, this appeal is DISMISSED.

This shall become the final decision of the SBA thirty days after issuance. 13 C.F.R. § 134.227(a)

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BRENDA P. MURRAY  
Administrative Law Judge