

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

IN THE MATTER OF:

Data Analytics Corporation,

Appellant

SBA No. WOSB-116

Decided: September 15, 2022

ORDER DISMISSING APPEAL

On September 1, 2022, Data Analytics Corporation (Appellant) filed the above-captioned appeal with the U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA). The appeal purports to challenge an August 22, 2022 determination by SBA's Office of Government Contracting, denying Appellant admission to the Women-Owned Small Business (WOSB) program.

On September 2, 2022, OHA issued an Order to Show Cause, why the instant appeal should not be dismissed for lack of jurisdiction. OHA explained that although OHA may adjudicate “[a]ppeals from [WOSB] or Economically-Disadvantaged [WOSB] protest determinations” on a pending procurement, the instant appeal does not pertain to such a protest nor to any particular procurement. *See* 13 C.F.R. § § 134.102(s) and 134.701(a). Rather, Appellant is seeking to challenge the denial of its application for admission to the WOSB program. The applicable regulations do not provide for appeals of such determinations to be made to OHA. 13 C.F.R. § 127.304; *see also Matter of Idaho Heatseeker, LLC*, SBA No. WOSB-115 (2022). Therefore, it appeared that OHA lacks jurisdiction over this matter.

On September 9, 2022, Appellant acknowledged SBA precedent and withdrew the instant appeal. E-mail from D. Appleget (Sep. 9, 2022). Since Appellant has withdrawn its appeal, there is no longer a case or controversy for OHA to resolve.

For the above reasons, I DISMISS the instant appeal as MOOT and for LACK OF JURISDICTION. This is the final decision of the U.S. Small Business Administration. *See* 13 C.F.R. § 134.316(d).

CHRISTOPHER HOLLEMAN
Administrative Judge

