

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

IN THE MATTER OF:

Three Sixty, Inc.,

Appellant

SBA No. WOSB-124

Decided: August 9, 2024

ORDER DISMISSING APPEAL

On July 31, 2024, Three Sixty, Inc. (Appellant) filed the above-captioned appeal with the U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA). The appeal seeks to challenge an SBA return letter informing Appellant that its application to participate in the Women-Owned Small Business (WOSB) program has been closed with no further action. Appellant asks that OHA direct the WOSB office to re-open its application and complete the certification review. (Appeal, at 1-4.)

On August 1, 2024, OHA ordered Appellant to show cause why the instant appeal should not be dismissed for lack of jurisdiction by no later than August 8, 2024. Appellant failed to respond.

Pursuant to SBA regulations, OHA has jurisdiction over appeals from WOSB and Economically-Disadvantaged WOSB (EDWOSB) status protest determinations in the context of government procurements but does not otherwise have jurisdiction over disputes pertaining to eligibility and participation in the WOSB program. 13 C.F.R. §§ 127.605, 134.102(s), and 134.701(a). The regulations only give OHA jurisdiction over appeals from the Director of Government Contracting's determinations in response to protests of the status of a concern which has been identified as the apparent successful offeror in a procurement where status as a WOSB or EDWOSB is advantageous. In similar case, OHA has explained that a decision by SBA's Director of Government Contracting to deny or decertify a concern's participation in the WOSB program constitutes a final agency decision and cannot be appealed to OHA. 13 C.F.R. § 127.304(i); *Matter of Allaires Management Information Technology Consulting Firm LLC*, SBA No. WOSB-123 (2024); *Matter of Woods Peacock Eng'g Consultants, Inc.*, SBA No. WOSB-121 (2024); *Matter of Data Analytics Corp.*, SBA No. WOSB-116 (2022); *Matter of Idaho Heatseeker, LLC*, SBA No. WOSB-115 (2022).

Here, Appellant seeks to dispute the WOSB certification process and application to the WOSB program. It is clear that Appellant is not appealing a protest determination of the status of a WOSB concern under 13 C.F.R. §§ 127.604 — 127.605, in connection with a protest and pending procurement, covered by the regulation cited above. Therefore, OHA has no jurisdiction over this matter.

For the above reasons, I DISMISS the instant appeal for LACK OF JURISDICTION. This is the final decision of the U.S. Small Business Administration. *See* 13 C.F.R. § 134.227(b)(5).

CHRISTOPHER HOLLEMAN
Administrative Judge