

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

VSBC Appeal of:

EHMT LLC,

Appellant

SBA No. VSBC-383-A

Decided: August 21, 2024

ORDER DISMISSING APPEAL

On August 8, 2024, EHMT 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).

Because appeal petition was deficient, OHA ordered Appellant to show cause why the appeal should not be dismissed. OHA explained that the appeal did not clearly state what error(s), if any, Appellant alleged the Director of SBA's Veteran Small Business Certification Program (D/VSBC) have committed, as is necessary for a valid appeal under 13 C.F.R. §§ 134.1105(a)(2) and 134.1111. Further, the appeal appeared to be based largely, if not entirely, on new evidence, which OHA cannot consider, except for good cause shown. 13 C.F.R. § 134.1110. In particular, Appellant proffered an operating agreement and certificates of ownership, but failed to clearly state how these documents show error in the denial letter. Appellant did not respond to OHA's Order.

The instant appeal is deficient and must be dismissed. Appellant merely states that it was denied based on the operating agreement between the spouse partner and the eligible veteran not having definitive language giving the veteran full control of the business decisions. Then, Appellant merely concludes that the eligible veteran manages and operates the business, but “the time provided to submit another version of the operating agreement lapsed while I worked to keep my business open.” Thus, Appellant asks OHA to “reconsider the decision to deny [its] veteran certification as it would set [Appellant's] business back considerably.” Appeal, at 1.

Here, Appellant does not allege any errors in the D/VSBC's determination, rather it explains that the time lapse for Appellant to comply with the request and upload the necessary documents.

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, because Appellant has not alleged any error on the part of the D/VSBC and does not dispute the D/VSBC's key finding or analysis. *VSBC Appeal of GDINexus LLC*, SBA No. VSBC-350-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, at 2 (2022), *recons. denied*, SBA No. CVE-224-A (2022) (PFR); *CVE Appeal of Rock Int'l Env'tl. Corp.*, SBA No. CVE-168-A, at 1 (2020).

For the above reasons, I DISMISS the instant appeal. This is the final decision of the U.S. Small Business Administration. 13 C.F.R. § 134.1112(d).

CHRISTOPHER HOLLEMAN
Administrative Judge