

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

VSBC Appeal of:

Force99 Technologies, LLC,

Appellant

SBA No. VSBC-425-A

Decided: February 11, 2025

ORDER DISMISSING APPEAL

On November 21, 2024, Force99 Technologies, 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).

Appellant intimated in its correspondence with OHA that the denial decision took place in November 2024. (E-mail from Appellant to OHA). Accordingly, OHA initially accepted this appeal. However, upon receipt and review of the Case File from the Veteran Small Business Certification (VetCert) Program, it became evident that the appeal was deficient for several reasons. Under OHA's rules of procedure, a concern whose application has been denied "must file its appeal within 10 business days of receipt of the denial." 13 C.F.R. § 134.1104(a). Here, the Director of VetCert issued the Denial Letter on November 13, 2023. (Denial Letter at 1.) Furthermore, all Exhibits in the Case File indicated a denial decision in the calendar year 2023, which VetCert confirmed with OHA. The appeal was, therefore, due on or before November 28, 2023. OHA, however, did not receive Appellant's appeal until November 22, 2024, nearly a year after the deadline date.

Additionally, Appellant's appeal appeared to be based largely, if not entirely, on new evidence, i.e., an updated version of its Operating Agreement, which appeared to have been executed in October 2024, again nearly a year after the decision from VetCert. In a VOSB or SDVOSB appeal proceeding, however, OHA cannot consider new evidence for the first time on appeal, unless good cause shown. 13 C.F.R. § 134.1110. Appellant did not attempt to explain in its appeal why there was good cause to admit new evidence.

For these reasons, Appellant was issued an Order to Show Cause, due no later than February 7, 2025, as to why the appeal should not be dismissed as untimely and/or non-specific. Appellant failed to respond to this Order.

A deficient appeal may be summarily dismissed. 13 C.F.R. § 134.1105(d). Here, by failing to respond to OHA's Order to Show Cause, Appellant essentially concedes that its appeal is deficient. *E.g.*, *VSBC Appeal of Dank Blossom, Inc.*, SBA No. VSBC-345-A (2024); *VSBC Appeal of CBS Ins. Grp. LLC*, SBA No. VSBC-323-A (2023). Furthermore, a party's failure to comply with an OHA order may, by itself, be grounds for dismissal. 13 C.F.R. § 134.219.

Accordingly, the appeal is DISMISSED. This is the final decision of the U.S. Small Business Administration. 13 C.F.R. § 134.1112(d).

CHRISTOPHER HOLLEMAN
Administrative Judge