

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

VSBC Protest of:

SRM Group, LLC,

Protestor,

Re: BryMak and Associates, Inc.

Solicitation No. W912JF-25-R-A001

Army National Guard Bureau

SBA No. VSBC-441-P

Decided: August 19, 2025

APPEARANCES

Thomas K. David, Esq., Lewis P. Rhodes, Esq., Reston Law Group, LLP, Reston, VA,  
for Protestor

Lucas T. Hanback, Esq., Jules L. Szanton, Esq., Timothy A. Wieroniey Esq., Rogers  
Joseph O'Donnell, Washington, DC, for BryMak

DECISION

I. Introduction and Jurisdiction

On June 23, 2025, SRM Group, LLC (Protestor) protested the Service-Disabled Veteran-Owned Small Business (SDVOSB) status of BryMak and Associates, Inc. (BryMak), in connection with the Army National Guard Bureau, Solicitation No. W912JF-25-R-A001. The Contracting Officer (CO) forwarded the protest to the Small Business Administration (SBA) Office of Hearings and Appeals (OHA) for review. Protestor contends that BryMak is not properly controlled by a service-disabled veteran on the basis of its affiliations with other companies through ownership and family relationships. For the reasons discussed *infra*, the protest is DENIED.

The U.S. Small Business Administration (SBA) Office of Hearings and Appeals (OHA) adjudicates SDVOSB status protests pursuant to 15 U.S.C. § 657f and 13 C.F.R. Part 134 Subpart J. Protestor filed its protest within five business days after receiving notification that RCG had been awarded the contract, so the protest is timely. 13 C.F.R. § 134.1004(a)(3). Accordingly, this matter is properly before OHA for decision.

## II. Background

### A. The Solicitation

On February 27, 2025, the Army National Guard Bureau (“Agency” or “National Guard”) issued Solicitation No. W912JF-25-R-A001. The Solicitation seeks contract services to perform lodging management (i.e. desk services, housekeeping services, transportation of students and guests) at the Army National Guard Professional Education Center (PEC), located at Camp Robinson in North Little Rock, Arkansas. The Contracting Officer (CO) set aside the procurement entirely for SDVOSBs and assigned North American Industry Classification System (NAICS) Code 561210 — Facilities Support Services — with a corresponding \$47 million annual receipts size standard as the appropriate code.

Initial offers were due March 31, 2025, which was later extended to May 29, 2025. On June 20, 2025, the CO announced that BryMak was the apparent awardee.

### B. Protest

On June 23, 2025, Protestor filed the instant protest with the CO, challenging BryMak's SDVOSB status. The CO forwarded the protest to OHA for review.

Protestor alleges that BryMak should be determined to be other-than-small and not a SDVOSB, and should have its proposed award rescinded, for the following reasons:

- BryMak is affiliated with other companies through ownership and family relationships and the receipts gained by all affiliates have not been properly applied to BryMak;
- BryMak's total receipts as indirectly reflected on its SAM profile and other public databases also fail to reflect the sums gained through both its commercial and government contracts; and
- the service-disabled veteran who the company bases its SDVOSB status upon does not control the day-to-day operation of BryMak.

(Protest at 1).

Protestor's allegations regarding BryMak's affiliation with other concerns through identity of interest and the amount of its annual receipts are issues to be addressed in its size protest. These have been forward to the appropriate SBA Area Office, and we will not address them here at this time. The issue here is Protestor's allegations that BryMak is not owned and controlled by a Service-Disabled Veteran.

Protestor argues that Mr. Chris Hamby, the Qualifying Veteran here, does not control the management and daily business operations of BryMak. (Protest at 4). While companies may claim that a certain individual controls the concern in its charter documents (i.e., Articles of

Incorporation, Corporate Bylaws, etc.), the actual reality is often very different. The regulation at 13 C.F.R. § 128.203 requires that one or more Qualifying Veterans must control both the long-term decision-making and the day-to-day operations of the concern.

Protestor asserts that none of the three (3) points of contact listed in BryMak's own SMA.gov profile is the Qualifying Veteran, Mr. Chris Hamby. A contractor's SAM profile is required to be current, accurate and complete and if a vendor populates its SAM profile with inaccurate information they can be found to have violated the False Statements Act or the False Claims Act. See FAR 52.204-7, 52.204-8. OHA can therefore rely upon this notable absence to conclude that Mr. Hamby is not a point of contact for BryMak for federal procurement matters. (Protest at 5).

Moreover, a LinkedIn profile indicates Mr. Hamby resides in Little Rock, Arkansas, but the company he allegedly runs on a daily basis is located 350 miles away in a different state. However, his adult son does reside in the same town where BryMak is located — Clarksville Tennessee. However, the younger Mr. Hamby is not an SDV. Furthermore, that same LinkedIn profile also says that the elder Mr. Hamby is “[l]ooking for a new Career opportunity,” which further indicates that he is not actually controlling the concern.

### C. BryMak's Response

On July 11, 2024, BryMak responded to the Protest.

BryMak acknowledges that Protestor's filing with the SBA also challenges BryMak's size under the relevant NAICS code. BryMak contends that it does meet the size standard and that it is addressing the size protest before the SBA Area Office, as required by the regulations at 13 C.F.R. §§ 121.1001-121.1009. (Response at 1).

Addressing the SDVOSB element of the protest BryMak asserts Protestor is armed with nothing more than a hunch and the wrong person's LinkedIn profile. OHA should accordingly deny this protest.

The instant protest fundamentally relies on false and/or irrelevant allegations. For instance, while it is true BryMak's SAM.gov profile lists three points of contact that are not Mr. Chris Hamby, this fact is irrelevant for the purposes of this protest. (Response at 2). SBA regulations do not prohibit a SDVOSB from having employees who are not service-disabled veterans; nor does it prohibit giving those employees responsibilities which may include fielding inquiries from potential government customers. Both of these are well within the scope of 13 C.F.R. § 128.203, which merely holds that the Qualifying Veteran exercise ultimate control over both the concern's long-term strategic direction and its day-to-day operations. Delegating certain tasks to employees is both extremely common and a legitimate function of this kind of control and authority. (*Id.*).

Regarding the other allegations, it is simply not true Mr. Hamby lives in Little Rock, Arkansas. Neither is it true that he is 65-years old, nor that he is looking for a new job. It would appear that Protestor found the LinkedIn profile of a different person with the same name and

believes that person to be the President of BryMak. (Response at 2). As per his declaration, Mr. Hamby lives in Nashville, Tennessee — near BryMak's offices in Clarksville. He is 57 years old and is employed at BryMak. (See Exh. 1 at 1).

It is also untrue that Mr. Hamby's son Bryant lives in Clarksville, Tennessee. He lives in Nashville, like his father, and serves as **[REDACTED POSITION]** of BryMak. (Ex. 1 at 1.) Nevertheless, despite Bryant's involvement in the company, Mr. Hamby's declaration makes clear that he is the one who controls the company. To quote Chris Hamby: “[W]hile I have many employees who are important to our operations, I supervise their work, direct the company's actions, and maintain ultimate control over all company decisions.” (Ex. 1 at 1).

BryMak argues it can easily meet its burden of proving its eligibility as an SDVOSB by a preponderance of the evidence. 13 C.F.R. § 134.1010. To start at the time of its proposal submission for Solicitation No. W912JF-25-R-A001, BryMak was a certified SDVOSB. VA certified BryMak on June 10, 2022, which was valid for three years. SBA subsequently extended this eligibility until June 10, 2027. BryMak is currently listed as an active SDVOSB in the public VetCert database. (Response at 4).

BryMak argues its corporate documents, which are the “key document[s]” for this analysis (*Id.*, citing *VSBC Protest of Data Monitor Systems, Inc.*, SBA No. VSBC-423-P (2025)), irrefutably establish Mr. Hamby's ownership and control. Mr. Hamby is BryMak's sole shareholder, owning 100% of the company. (See Exh. 5 at 17) (listing Mr. Hamby as “the only shareholder”) (*Exh.* 1 at 1) (Mr. Hamby owns 100% of the company). His control is absolute, as he has the power to elect and remove all members of the Board of Directors. As President, he also possesses the authority to call a shareholder meeting at his discretion, which further solidifies his ultimate control over the company's long-term direction. (Response at 4-5).

Finally, Mr. Hamby maintains control over both the long-term direction and the day-to-day operations of BryMak. As President, he makes all personnel decisions and approves all contracts. **[REDACTED PROVISION OF INTERNAL BYLAWS]**. Mr. Hamby was in full control of the company when the proposal was submitted. His sworn declaration further confirms his full-time leadership and decision-making authority. (*Id.*, at 5).

BryMak files a sworn declaration from Mr. Chris Hamby. He swears he is a 57-year-old service-disabled veteran and lives in Nashville, Tennessee, within reasonable commuting distance of BryMak's headquarters in Clarksville, Tennessee. He is President and sole shareholder of BryMak and controls the concern's long-term strategic direction and day-to-day operations. His son Bryant also lives in Nashville, is **[REDACTED POSITION]**, but is subordinate to him. The LinkedIn profile Protestor submitted is for another individual named Chris Hamby and has nothing to do with him. (Response, Exh. 1.)

#### D. The Case File

Mr. Christopher Hamby is a service-disabled veteran and the sole shareholder of BryMak. (Case File, (CF), Exh. 285.) Mr. Hamby is the President and sole member of the Board of Directors. (CF, Exh. 185)

### III. Discussion

#### A. Burden of Proof

As the challenged concern, BryMak has the burden of proving its eligibility as an SDVOSB by a preponderance of the evidence. 13 C.F.R. § 134.1010.

#### B. Discussion

I find this protest to be utterly without merit. Accordingly, I must DENY this protest.

SBA regulations require that “[o]nly certified VOSBs and SDVOSBs are eligible to submit an offer on a specific VOSB or SDVOSB requirement.” 13 C.F.R. § 128.401(a). Furthermore, “[a] concern must be certified as a VOSB or SDVOSB pursuant to [13 C.F.R.] § 128.300 in order to be awarded a VOSB or SDVOSB set-aside or sole source contract.” 13 C.F.R. § 128.200(c)(1). Here, the record reflects that the VA certified BryMak as an SDVOSB on June 10, 2022, which was valid for three years, and that SBA subsequently extended this eligibility until June 10, 2027. Section II.C, *supra*.

As mentioned above, Protestor's allegations as to BryMak's affiliation due to identity of interest and the amount of its annual receipts are questions for its size determination. I shall here consider the issue of its VSBC protest, whether BryMak is controlled by a Service-Disabled Veteran.

Protestor's allegations center around the notions that BryMak, though its supposed affiliations with other entities via ownership and family relationships, exceeds the size standard for the subject procurement, and that the Qualifying Veteran, Mr. Hamby, does not actually control the concern.

Mr. Christopher Hamby is the Qualifying Veteran here, and he is BryMak's President, sole shareholder, and sole Director. Therefore, he holds the highest officer position in the concern. 13 C.F.R. § 128.203(b). He also controls the Board of Directors. 13 C.F.R. § 128.203(e). He therefore has control of the concern.

Regarding Protestor's allegations that Mr. Hamby does not have control of BryMak, there is simply no other way to state this point — Protestor's overall argument is largely based upon the **wrong person's LinkedIn profile**. It is from this erroneous source that Protestor drew its allegations that Mr. Hamby lives in Little Rock, Arkansas, when he does not, and that he was seeking new job opportunities when he was not.<sup>1</sup>

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<sup>1</sup> In any event, not living within commuting distance of the concern no longer raises a presumption that the service-disabled veteran does not control the concern. 87 Fed. Reg. 73412 (Nov. 29, 2022).

Protestor relies upon the fact that individuals other than Mr. Hamby are identified as points of contact for BryMak. However, as BryMak notes in its Response, nothing in the regulations prohibits an SDVSB from hiring individuals other than veterans to perform other duties than controlling the concern. Being designated a point of contact does not give an individual control over a concern, especially when the Qualifying Veteran is a sole shareholder, Director and President. Delegating certain tasks to employees — be that task communicating with outside entities regarding its federal contracting activities or otherwise — are both extremely common and legitimate functions of this kind of control and authority.

Mr. Hamby's sworn declaration establishes that he controls the management and day-to-day operations of BryMak. Nothing Protestor has submitted challenges that in any way.

In sum, Protestor's points are overwhelmingly based on a combination of outright erroneous information mixed with conjecture. There is no merit to this protest, so it must therefore be DENIED.

#### IV. Conclusion

BryMak has proven its eligibility as an SDVOSB by a preponderance of the evidence and has persuasively shown that Mr. Hamby devotes full-time to BryMak without conflicting outside employment or other commitments. The protest therefore is DENIED. This is the final agency action of the U.S. Small Business Administration. 15 U.S.C. § 657f(f)(6)(B); 13 C.F.R. § 134.1007(i).

CHRISTOPHER HOLLEMAN  
Administrative Judge