

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

IN THE MATTER OF:

Fidelis Design and Construction, LLC

Appellant

Solicitation No. VA 244-10-IB-0261
U.S. Department of Veterans Affairs
VA Medical Center
Wilkes-Barre, PA

SBA No. VET-211

Decided: February 17, 2011

ORDER DISMISSING APPEAL

On February 7, 2011, the U.S. Small Business Administration (SBA), Office of Hearings and Appeals (OHA) received an appeal petition from Fidelis Design and Construction, LLC (Appellant). Appellant appeals the U.S. Department of Veterans Affairs (VA) Office of Small and Disadvantaged Business Utilization's (OSDBU) decision that Appellant is not an eligible Service-Disabled Veteran-Owned Small Business (SDVOSB).

On February 8, 2011, I issued an Order directing Appellant to show cause, no later than February 16, 2011, why the appeal petition should not be dismissed for lack of jurisdiction. I explained that it has recently been established that the SBA currently has no authority to decide SDVOSB status protests filed in connection with procurements issued under Veterans Affairs Acquisition Regulation (VAAR) Part 819. *Matter of Airborne Constr. Servs., LLC*, SBA No. VET-203 (2010). I also explained that OHA does not have the authority to hear appeals from SDVOSB status determinations (or dismissals) issued by the VA OSDBU. *Matter of Reese Goel JV*, SBA No. VET-199 (2010).

On February 16, 2011, Appellant filed a consent to dismissal of this appeal for lack of jurisdiction.

Accordingly, because OHA lacks jurisdiction to hear this appeal, it is hereby **DISMISSED**. This is the final decision of the Small Business Administration. *See* 13 C.F.R. § 134.515(b).

CHRISTOPHER HOLLEMAN
Administrative Judge