

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

VSBC Appeal of:

T.S. Conard, Inc,

Appellant

SBA No. VSBC-468-A

Decided: March 12, 2026

ORDER REMANDING PROCEEDING<sup>1</sup>

I. Introduction and Jurisdiction

On October 14, 2025, T.S. Conard, Inc., (Appellant) appealed the denial of its application for certification as a Service-Disabled Veteran-Owned Small Business (SDVOSB) by the U.S. Small Business Administration (SBA) Office of Certification and Eligibility, Office of Government Contracting & Business Development (GC/BD). SBA found that Appellant did not establish that one or more service-disabled veterans controls Appellant. On appeal, Appellant maintains that the denial decision was erroneous, and requests that SBA's Office of Hearings and Appeals (OHA) reverse. For the reasons discussed *infra*, the denial is VACATED and the matter is REMANDED to the Office of Certification and Eligibility, Office of Government Contracting & Business Development.

OHA adjudicates SDVOSB status appeals pursuant to the Small Business Act of 1958, 15 U.S.C. §§ 631 *et seq.*, and 13 C.F.R. parts 128 and 134 subpart K. Appellant filed the appeal within 10 business days after receiving the denial notice on October 14, 2025. 13 C.F.R. § 134.1104(a). Accordingly, this matter is properly before OHA for decision.

II. Background

Appellant is a corporation incorporated in the state of Missouri. (Case File (CF), Exh. 15.) Mr. Timothy Conard, a Service-Disabled Veteran, owns 60% of Appellant. Ms. Susan Conard, a Non-Veteran, owns 40% of Appellant. (CF, Exh. 49.) Mr. Conard is President of the corporation, its highest-ranking officer, and its highest compensated officer. The corporation's ByLaws have no unanimous or supermajority voting requirements. Mr. Conard can, by himself as majority shareholder, constitute a quorum. Furthermore, Mr. Conard has a bachelor's degree in computer science and 22 years of experience running the business; thus, he has the managerial and professional experience necessary to run the business. (CF, Exh. 50.)

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<sup>1</sup> An amendment is made to reflect the correct spelling of Appellant's name.

On October 14, 2025, SBA's Acting Deputy Associate Administrator, Office of Certification and Eligibility (AA/BD), declined Appellant's application to be certified as a Veteran Owned Small Business and as a SDVOSB. The AA/BD found Appellant's application did not meet, or provide sufficient proof of meeting, certain requirements. However, the decline letter failed to identify any specific requirements Appellant had failed to meet. Specifically, the section that would have listed the requirements identified simply stated:

“[denial reason(s) entered by Analyst].”

Also on October 14, 2025, Appellant filed the instant appeal. Appellant stated:

I am appealing this declination [sic] and state that this determination is in error for the following reasons:

I am the majority owner and controller of the business concern and provided documentation to that effect. I am a USMC veteran and have a Veterans Administration Service Connected Disability Rating that is currently at 20%. There is no denial reason listed for this declination and only lists as follows: *[denial reason(s) entered by Analyst]*

(Appeal, at 1.)

### III. Discussion

I conclude that I must remand this matter to SBA's Office of Certification and Eligibility. SBA's decision to deny an application for certification status must state the specific reason(s) for denial. 13 C.F.R. § 128.302(f). The instant decline letter fails to do so. Appellant has no idea why its application was declined and cannot prepare an appeal without the knowledge of why it was declined. This is clear error. 13 C.F.R. § 134.1111. Accordingly, this decline letter fails to comply with the regulations. Accordingly, I must VACATE this decline letter and REMAND the matter to the Office of Certification and Eligibility for a new determination on Appellant's application. When the Office conducts its new analysis, I urge the Office to take note of the regulation which provides that a qualifying veteran controls the Board of Directors of a corporation when they own a majority of the stock, sit on the Board of Directors, and there are no supermajority voting requirements in the ByLaws or state law. 13 C.F.R. § 128.203(e)(1)(ii).

### IV. Conclusion

I conclude that the instant decision to decline Appellant's application was based upon a clear error of law, in that it failed to state a reason for the decline. I VACATE this decline letter and REMAND the matter to the Office of Certification and Eligibility for a new determination, consistent with this decision.

CHRISTOPHER HOLLEMAN  
Administrative Judge