

## Small Business Administration

## § 134.102

134.615 How will proceedings relating to my application for fees and expenses be conducted?

134.616 How will I know if I receive an award?

134.617 May I seek review of the ALJ's decision on my award?

134.618 How are awards paid?

AUTHORITY: 5 U.S.C. 504; 15 U.S.C. 632, 634(b)(6), 637(a), 648(l), 656(i), and 687(c); E.O. 12549, 51 FR 6370, 3 CFR, 1986 Comp., p. 189.

SOURCE: 61 FR 2683, Jan. 29, 1996, unless otherwise noted.

### Subpart A—General Rules

#### § 134.101 Definitions.

As used in this part:

*AA/OHA* means the Assistant Administrator for OHA.

*Act* means the Small Business Act, 15 U.S.C. 631 *et seq.*

*Address* means the primary home or business address of a person or entity, including the street location or postal box number, city or town, state, and postal zip code.

*Appeal petition* has the same meaning as petition.

*Area Office* means a Government Contracting Area Office or a Disaster Area Office of the Small Business Administration.

*Day* means a calendar day, unless a Judge specifies otherwise.

*Hearing* means the presentation and consideration of argument and evidence. A hearing need not include live testimony or argument.

*Investment Act* means the Small Business Investment Act of 1958, 15 U.S.C. 661 *et seq.*

*Judge* means an Administrative Law Judge or an Administrative Judge of OHA, or the AA/OHA when he or she acts as an Administrative Judge.

*NAICS code* means North American Industry Classification System code.

*OHA* means the Office of Hearings and Appeals.

*Party* means the petitioner, appellant, respondent, or intervenor, and the contracting officer in a NAICS code appeal.

*Person* means an individual or any form of business entity.

*Petition* (or *appeal petition*) means a written complaint, a written appeal from an SBA determination, or a writ-

ten request for the initiation of proceedings before OHA.

*Pleading* means a petition, an order to show cause commencing a case, an appeal petition, an answer, a response, or any amendment or supplement to those documents.

*Respondent* means any person or governmental agency against which a case has been brought before OHA.

*SBA* means the Small Business Administration.

*Size determination* means a formal size determination made by an Area Office and includes decisions by Government Contracting Area Directors that determine whether two or more concerns are affiliated for purposes of SBA's financial assistance programs, or other programs for which an appropriate SBA official requested an affiliation determination.

[61 FR 2683, Jan. 29, 1996, as amended at 67 FR 47246, July 18, 2002; 69 FR 29208, May 21, 2004]

#### § 134.102 Jurisdiction of OHA.

OHA has authority to conduct proceedings in the following cases:

(a) The revocation or suspension of Small Business Investment Company licenses, cease and desist orders, and the removal or suspension of directors and officers of licensees, under the Investment Act and part 107 of this chapter;

(b) Alleged violations of those civil rights laws which are effectuated by parts 112, 113, 117, and 136 of this chapter;

(c) The revocation of the privilege of a person to conduct business with SBA under the Act and part 103 of this chapter;

(d) The eligibility of any bank or non-bank lender to continue to participate in SBA loan programs under the Act and part 120 of this chapter, or to do so with preferred or certified status, and any other appeal that is specifically authorized by part 120 of this chapter;

(e) The suspension or termination of surety bond program participants under 15 U.S.C. 694a *et seq.* and part 115 of this chapter;

(f) The rights, privileges, or obligations of development companies under