

APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	<small>Last/Name of Business</small> [REDACTED]	<small>First</small> [REDACTED]	<small>Middle</small> [REDACTED]
Claimant ID	[REDACTED]	Claim ID	[REDACTED]
Claim Type	Business Economic Loss		
Law Firm	[REDACTED]		

II. DECISION

Select the Compensation Amount set forth in either BP's Final Proposal or the Claimant's Final Proposal as the final outcome on the claim and check the appropriate box to signify your decision.

<input type="checkbox"/> BP's Final Proposal	Compensation Amount	\$28,947
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$62,428.23
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0

III. PRIMARY BASIS FOR PANELIST DECISION

Please select the primary basis for your decision. You may also write a comment describing the basis for your decision.

- Error in documentation review.**
- Error in calculation.**
- Error in RTP multiplier.**
- Error in Prior Spill-Related Payment Amount.**
- No error.**

Comment *(optional)*:

BP appeals this BEL award in favor of [REDACTED]. The basis of the appeal is that the settlement program incorrectly classified equipment and vehicle lease expenses as fixed costs. BP asserts the CA "mechanically deemed these 2 expenses to fall under the lease category without examining whether they should be categorized as fixed or variable."



BP's position is without merit. The Settlement Agreement clearly states that lease expenses are fixed costs. Moreover, claimant demonstrated that the lease expenses at issue are not dependent on sales volume and, therefore, are not a variable cost. There was some fluctuation in these expenses. However, that is not the litmus test. In this instance, the expenses at issue did not correspond to revenue levels. In certain periods, the costs were higher when the sales volume was lower and vice versa.

The appeal of BP is denied and there is a finding in favor of claimant's final proposal.