



**APPEAL PANEL DECISION FORM**

**I. CLAIMANT AND CLAIM INFORMATION**

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

**II. DECISION**

**Denial Upheld**

**Denial Overturned**

**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.

- Claim should have been excluded.**
- Claim should have been denied.**
- Claim should not have been excluded.**
- Claim should not have been denied.**
- No error.**

**Comment (optional):**

Claimant, a New Orleans artisan which sells its own decorative pottery out of a Magazine St. location, appeals its denial of a BEL claim. Apparently not qualifying under Exhibit 4B for causation, Claimant asserts its presumed causation by claiming its entitlement to a Tourism designation. It attaches an affidavit of its owner describing the nature of its business and argues that it should be considered to qualify as a Tourist entity either under NAICS Code 452990 ("All other general merchandise stores") or 453220 ("Gift, novelty and souvenir stores"). BP contests this, pointing to the fact that the NAICS code used by Claimant in its earlier records (711510- "Independent artists, writers, and performers") is not one contained within the listed Tourism codes--although it admits this list is only illustrative. It further argues that neither code proposed by Claimant is applicable to its business. This panelist has carefully reviewed and generally agrees with Policy 289v2 concerning qualifying under the Tourism designation. Ironically, this Panelist's decision was most influenced by examining Claimant's website which was relied upon by BP in its opposition. Claimant's creations as depicted therein are exquisite and unique, and are far beyond what would be found in a utilitarian store. The fact that its store is located on Magazine Street, a prime tourist location in the New Orleans uptown area, bolsters this panelist's considered decision to overturn the denial of Claimant's Tourism designation. Especially in light of the Claimant-friendly nature of the Settlement Agreement, this decision is not particularly difficult.