

APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business [REDACTED]	First	Middle
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	\$0
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$28,129.70
	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 a modest BEL award of \$28,129.70 pre-RT, to a medical services provider in Zone C, challenging the Claims Administrator's application of Policy 495 to achieve sufficient matching of income and expenses. BP's argument is premised on a single deposit of \$19,453.64 made by the Claimant on December 1, 2010, outside the compensation period. BP argues that it is "a near certainty" that most, if not all of this deposit was for services performed in earlier months. Thus, BP suggests that there is a mismatch of revenue and variable expenses that was not properly restated. BP further asserts that if this payment is properly reallocated to prior months, the Claimant would not pass the V-Test and would not be entitled to compensation at all.

Claimant responds that the accounting vendor properly applied the matching restatement provisions of Policy 495. Of the seven criteria, only one was triggered as shown by the Accountant Compensation Calculation Schedules in the record. This trigger pertained to revenue in January 2010 and an expense entry in February of 2009, not to the Claimant's compensation period of September, October and November of 2010. Claimant also correctly argues that, contrary to BP's position, Policy 495's first step is the identification of accounting errors rather than the identification of mismatched revenue and variable expenses. Application of the seven criteria to the P&Ls after they are restated for errors *is* the process by which 495 identifies such mismatches according to the Claimant.

De novo review of the record in this case does not support BP's claim of error. The Claims Administrator properly applied Policy 495 and appropriately restated the Claimant's P&Ls utilizing the Annual Variable Margin method. BP's appeal is therefore not well taken and the award is affirmed.