



APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business ██████ ██████████	First ██████	Middle ██████
Claimant ID	██████████	Claim ID	██████████
Claim Type	Business Economic Loss		
Law Firm	██████ ██████████ ██████████		

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	\$34,442.38
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$51,846.38
	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 RT multiplier.**
- Error in Prior Spill-Related Payment Amount.**
- No error.**

Comment (optional):

██████ ██████████ filed this Business Economic Loss claim under the Settlement Agreement. The Settlement Program awarded ██████████ \$51,546.38, pre RTP. BP appeals. On appeal, BP complains chiefly that the Settlement Program misclassified several expenses as fixed, instead of variable. When classifying expenses, the Settlement Agreement requires the Settlement Program to apply Attachment A of Exhibit 4D. If the cost in question is listed on Attachment A, then the cost must be classified per the strict terms of Attachment A. The



Settlement Agreement, Exhibit 4D, and Attachment A were all carefully if not laboriously negotiated and must be given full effect. Two of the expenses BP argues were misclassified are listed as Fixed Costs under Attachment A: new tire fees and tire disposal fees. BP's arguments on these two fees are clearly erroneous. The next cost challenged is that of "shop expenses." This category includes "miscellaneous small tools and supplies used within the shop for the maintenance of vehicles." The Settlement Program categorized this as standard overhead, a fixed cost under Attachment A. I agree because the materials involved were not for sale to or used by the public. The same logic applies to equipment and lug nut expenses. Since these were consumed internally and not sold to or used by customers, the Settlement Program's classification of the expenses is appropriate. This is also a baseball appeal, meaning that the Final Proposal closest to the proper result must be chosen. This is material, for example, to whether the classification of "lug nut expense" matters. Reclassifying it would reduce the award by less than \$500 leaving Claimant's Final Proposal still closest to the mark. On balance, Claimant's Final Proposal is closest.