



APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business [REDACTED]	First [REDACTED]	Middle [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	\$29,939
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$73,376.32
	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):

In this BEL claim, the Claims Administrator awarded \$73,376.32, pre-RTP to this Zone D claimant. BP appeals, asserting as error that the Settlement Program failed to utilize financial data that properly matches Claimant's revenues with corresponding expenses. More specifically, BP argues that Claimant's variable profit percentages fluctuate materially among months throughout the Benchmark and Compensation periods. BP posits that these monthly swings are highly indicative of a failure to match revenue with corresponding expenses. Accordingly, BP seeks remand.

Claimant's primary response is that its revenues and variable expenses were properly matched. Claimant points out that BP's argument is speculative and fails to recognize that it uses the accrual basis of accounting. Hence, Claimant's sales revenue is recorded when services are performed, not when payment is received. Claimant also argues that the Claims Administrator properly applied Policy 495 and emphasizes that none of the seven criteria were triggered when the P&Ls were subjected to the 495 analysis.

A review few of the record confirms that Claimant's financials were properly tested by the accounting vendor and found to be sufficiently matched. Accordingly, BP's appeal is not well taken and the award must be affirmed.