



**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**

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"/> <b>BP's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$18,671</b>
	<b>Risk Transfer Premium</b>	<b>.25</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>
<input checked="" type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$27,861.87</b>
	<b>Risk Transfer Premium</b>	<b>.25</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>

**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 the BEL award to claimant, a pharmacy located in [REDACTED] Mississippi. BP asserts the revised accounting protocol decreed by recent court decisions and Policy 495 was not followed and misapplied because two entries, one in July 2009 for deferred Medicaid payments and the other in January 2010 for employee medical reimbursement expense, were not properly attributed to periods when earned or accrued. BP also contends bank charges were misclassified as a fixed expense. A review of the record discloses in the eligibility

notice the Claims Administrator concluded the claim was not sufficiently matched and using the annual variable margin methodology granted an award less than that sought by claimant. The program accountants noted certain anomalies in claimant's financial data, obtained explanation from claimant and made necessary adjustments. BP's argument relative to how the 495 protocol and evaluation thereunder should be initially applied has been repeatedly rejected. The Claims Administrator acted properly and there is no error in the calculation. Revenues and expenses were sufficiently matched. Exact matching is not required. Finally, BP's argument relating to the misclassification of bank charges is rejected as procedurally barred and on the merits as without evidentiary basis. The appeal of BP is denied.