



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	\$7,627.95
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$89,420.95
	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):

Claimant is a bakery goods manufacturer located in ██████████ Alabama, and the Settlement Program awarded Claimant \$89,420.95 on its BEL claim. BP appeals on the followings basis: 1. The Settlement Program misclassified certain expenses, namely: a. Other Expenses as N/A despite evidence they included variable bad debt expenses; b. Marketing-Broker Fees as fixed, and c. Consulting Fees as fixed. 2. BP argues that had the Settlement Program properly classified \$76,128 of Other Expenses applying Policy 495 would have

triggered number six which would require the application of the AVM methodology which was never done. To this Panelist the more significant of Claimant's responses are:

1. Other Expenses: The revenue written off was recorded in 2005, and since the Claimant is using a 2008-2009 benchmark period, the January 2008 write off of the 2005 revenue item has zero impact;
2. Market-Broker Fees: The fees are properly classified as an advertising expense which the parties decided was to be classified as a fixed expense, and
3. Consulting Fees: The Agreement specifies five items that are deemed fixed when part of COGS, and since Consulting Fees are not listed as part of COGS-Fixed, that are properly classified as variable. For these retorts and others rendered in Claimants reply, there is no error.