



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 checked="" type="checkbox"/> BP's Final Proposal | Compensation Amount | \$81,027 |
| | Risk Transfer Premium | .25 |
| | Prior Payment Offset | \$0 |
| <input type="checkbox"/> Claimant's Final Proposal | Compensation Amount | \$88,844.76 |
| | 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):

Reasons uploaded

CLAIM ID

This is a BEL Claim brought by a [REDACTED] Florida dental practice. The Settlement Program awarded claimant the sum of \$88,844.76 (pre - 0.25 RTP). BP appeals.

BP asserts, as it has in other medical/dental claims, that the claim should have been subjected to the Professional Services Methodology of Policy 495 instead of the AVM Methodology. BP acknowledges that the NAICS codes assigned to the Professional Services Framework do not include dentists. This Panelist and other appeal Panelists have affirmed awards for health care providers and real estate agents where said claims were processed under the AVM Methodology. BP's appeal on this issue is without merit.

BP also asserts that the Settlement Program did not attribute claimant's revenue to the months where it was earned. In 2008, a Benchmark year, claimant's monthly revenue, taken from its financials, fluctuate from nearly \$40,000.00 to over \$106,000.00. Also in the records are claimant's Provider Productivity reports for the month/year in question. Utilizing these reports as being a more accurate gauge of monthly revenue would reduce the award by \$7,818.00 (pre - 0.25 RTP).

After a careful and thorough review of the record, this Panelist finds that BP's Final Proposal is the correct result.