



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	\$21,690.26
	Risk Transfer Premium	1.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$31,179.36
	Risk Transfer Premium	1.25
	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):

██████████. - Claim ID ██████████

The Claims Administrator awarded compensation of \$21,690.26, pre-RTP to this retail store in Zone D. The Claims Administrator determined that the Claimant was entitled to the Tourism designation. Further, two of the matching criteria of Policy 495 were triggered which resulted in the application of the AVM methodology for matching. BP's appeal raises only one issue and it is unrelated to the application of Policy 495. Instead, BP argues that the cost of goods sold (COGS) on Claimant's P&Ls differs materially from the COGS listed on its tax returns. BP therefore argues that the award is artificially inflated by over 30%.

The record reflects that the Claimant does not maintain monthly profit and loss statements for its business. The Claimant acknowledged to the accounting vendor that the P&Ls it submitted were created from bank statements. As noted, tax returns were also submitted. The difference between the COGS for 2009 was - \$7,555.43. For 2010, the difference was + \$4,847.37. BP argues that the differences overstated variable profit for 2009 and understated it for 2010. The Claims Administrator's accounting vendor investigated this issue and concluded that the differences were due to end of year adjustments. Because the P&Ls were recreated from bank statements, they do not contain the year end adjustments reflected on the tax returns. BP's argument for remand is therefore without merit. The record supports the award of compensation by the Administrator. BP does not challenge the Tourism designation nor application of the AVM. Accordingly, the award is affirmed.