



**APPEAL PANEL DECISION FORM**

**I. CLAIMANT AND CLAIM INFORMATION**

<b>Claimant Name</b>	Last/Name of Business [REDACTED]	First [REDACTED]	Middle [REDACTED]
<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>\$40,463</b>
	<b>Risk Transfer Premium</b>	<b>1.50</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>
<input checked="" type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$50,463.04</b>
	<b>Risk Transfer Premium</b>	<b>1.50</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 RT multiplier.**
- Error in Prior Spill-Related Payment Amount.**
- No error.**

**Comment (optional):**

BP appeals the BEL award to claimant, a realtor in [REDACTED], Florida. BP raises two issues: the revised accounting protocol decreed by recent court decisions was not properly followed because revenues were not attributed to the months they were actually earned rather than when payment was received; and an improper industry-appropriate methodology was used. The eligibility notice issued acknowledged the claim was not sufficiently matched and employed the Annual Variable Margin Methodology (AVMM) for its revised award to



claimant. Claimant maintained her records on a cash basis and recorded her commissions when closings were completed. BP points to one revenue spike of \$31,680 in December '09 which was the last month of the benchmark period (July-December '09). BP argues this financial data confirms that commissions paid during that period were not matched to when they were earned. The records disclose that during the benchmark period revenues of \$13,800 (August '09), \$18,750 (September '09) and \$31,680 (December '09) were recorded with no reported revenues for July, October and November. Even if revenues were allocated to those months from the December '09 period the sum total of \$64,230 for the benchmark period upon which the award was calculated would have remained unaltered. Thus this alleged error would have been inconsequential. Revenues and expenses were sufficiently matched. Finally, it is noted under Attachment A, policy 495, realtors were not listed as one of those businesses covered by the Professional Services Methodology. Other recent decisions have concluded that application of the AVMM is appropriate for claims such as this one. There is no error and policy 495 was properly utilized. The award is affirmed and the appeal of BP is denied.