

## APPEAL PANEL DECISION FORM

### I. CLAIMANT AND CLAIM INFORMATION

<b>Claimant Name</b>	Last/Name of Business ████████████████████	First ██████████	Middle ██████████
<b>Claimant ID</b>	██████████	<b>Claim ID</b>	██████████
<b>Claim Type</b>	Business Economic Loss		
<b>Law Firm</b>	████████████████████		

### 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>\$19,487.</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>\$57,383.12</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 a BEL award to a ██████████ Miss. radio equipment seller/installer. It asserts that the Administrator violated Policy 495 by, in the first step of its review, failing to address a mismatch of revenues and expenses in Claimant's financials. Specifically, BP points to a pattern of monthly matching of spikes in revenues with expenses except for in December, 2009, when expenses were recorded as minimal, but showed a spike in January, 2010. It requests either a remand to look further into this alleged mismatch or alternatively a reduction

in the award produced by recomputing 2009 financials to include January, 2010 recorded expenses. Initially, as has been oft-stated in prior panel rulings, clearly the first step of Policy 495 requires only the correction of errors such as duplicate entries and miscalculations. The rematching requirement advanced by BP is inherent to the second step of 495, involving the seven criteria explained therein. This record reflects that just such a process was followed concerning Claimant's financials, and it was subjected to the AVM methodology authorized by Policy 495. Indeed, as pointed out by Claimant, the large expense item recorded in January 2010 involves an initial quarterly payment for Air Time expenses. Four quarterly payments were already made for the year 2009. To accede to BP's presumptive reallocation request would allocate five quarterly expenses to 2009. Claimant's final proposal, seeking affirmation of the Administrator's award, is the correct one and must be chosen by this panelist.