

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

Denial Upheld

Denial Overturned

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.

- Claim should have been excluded.**
- Claim should have been denied.**
- Claim should not have been excluded.**
- Claim should not have been denied.**
- No error.**

Comment (optional):

Claimant, a real estate agency in ████████ Louisiana, appeals the denial of its claim. The Settlement Program denied the claim on the basis that it failed to satisfy the requirements of the V-Shaped Revenue Pattern Test relying on Policy 328 v.2 to exclude certain items from revenue. Policy 328 v.2 provides that certain items shall not typically be treated as revenue, and among the items listed is reimbursed expenses which is central to this appeal. Claimant makes a full frontal assault on Policy 328 v.2 arguing that the Settlement Agreement has no language that gives the Claims Administrator authority to remove income from claimant's total revenue, and accordingly, none of Claimant's income accounts should have been excluded. This would mean that items such as insurance proceeds, interest income and the rest of the items listed in this policy in addition to reimbursed expenses be treated as revenue. This panelist is not willing to go that far afield. However, Policy 328v. 2 further states: In arriving at this conclusion, the Claims Administrator has in part relied upon the fact that these items are not TYPICALLY earned as revenue under the NORMAL course of operations in an arm's link transaction. (Emphasis supplied). It appears from affidavits in file that a portion of the revenues shown under expense reimbursement may be revenue earned by Claimant in its normal operations, and if so, should be included in revenue. This matter is remanded to determine whether any portion of the expense reimbursements should be

treated as revenue because that portion was earned as part of its normal operations, and if so, does Claimant then meet the requirements of the V-Shaped Revenue Pattern Test, and if so, what amount of compensation, if any, should be awarded.