



APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business [REDACTED]	First	Middle
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	\$23,434
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$40,460.74
	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 RT multiplier.**
- Error in Prior Spill-Related Payment Amount.**
- No error.**

Comment (optional):

[REDACTED] a real estate broker, received this BEL award and BP appeals. It is argued that because of the nature of claimant's business the timing of revenue as recorded is incorrect and should have been adjusted under the 1st step of 495 because it does not correspond to when claimant earned the revenue. BP also argues for the use of the Professional Services Methodology instead of the Annual Variable



Margin Methodology. BP's reliance of the first prong of 495 to adjust revenues is mis-placed. This sub-part is utilized to correct accounting errors, not to otherwise adjust revenues. Additionally, it was appropriate to apply the Annual Variable Margin Methodology. Real estate brokers are not among those professionals delineated for inclusion under the Professional Services Methodology. It is not because, as claimant's counsel asserts, revenue for a broker is earned when paid. It is due to the fact that brokers were a large demographic that could have been included under the Professional Services Methodology but they were not. Accordingly, the award in favor of claimant is affirmed.