

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

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	\$24,000
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$42,750.46
	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 RTP multiplier.**
- Error in Prior Spill-Related Payment Amount.**
- No error.**

Comment *(optional)*:

BP appeals the award of \$42,750.46 (pre-RTP) to this ██████████ FL dental practice. BP's main argument is that the Claims Administrator failed to properly apply Policy 495 by failing to attribute Claimant's income to the months in which it was earned. As a specific example, BP cites a "spike" in Claimant's income in December, 2010 and argues that, because Claimant utilized a cash basis accounting method to record revenue, it necessarily flows that there is a "high likelihood" that Claimant's income figures are mismatched. Claimant did

not file a memorandum and is unrepresented. After a thorough review of the record, I note that the Benchmark Period utilized was 2007-2009 and the Compensation Period was May – November, 2010. None of the seven criteria established in Policy 495 were triggered and it is my conclusion that BP's assertion that Claimant's income is mismatched amounts to nothing more than speculation. Moreover, BP's final proposal of \$24,000 is merely a guess, which BP even admits is an "approximation" which BP provides no support therefor. I find no error in the Claims Administrator's analysis of this claim. Although BP urges a remand, I find a remand is not appropriate. The appeal is denied.