



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	\$25,748
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$49,483.48
	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 BEL award to claimant, a radio station owner in ██████████, Mississippi. BP asserts the Claims Administrator failed to follow properly the revised accounting protocol of policy 495 because revenues were not attributed to the months they were earned creating a mismatch of revenues and expenses. BP points to one revenue spike of \$143,092 in August 2010, a month after claimant's Compensation Period of May-July 2010. BP surmises that claimant's advertising revenues are pre-paid well in advance of airing of advertisements and thus

a great portion of this sum should have been allocated to the Compensation Period revenues. BP conjectures without further proof that this error flawed the award to its disfavor. The eligibility notice issued acknowledged the claim was not sufficiently matched and using the Annual Variable Margin Methodology (AVMM) calculated the award after necessary adjustments were made. Contrary to BP's argument the correct first step of the 495 protocol was not followed a review of the record discloses the Claims Administrator applied the correct methodology in reviewing the P&Ls. It is noted there was not a solitary spike in revenues in August 2010 but an increase of revenues as well in September and October 2010 from the prior three months. This imbalance in comparable monthly revenues is best adjusted by using AVMM. Exact matching is not required, only sufficient matching. There is no error. Remand is not appropriate. The award is affirmed and the appeal of BP is denied.