



APPEAL PANEL DECISION FORM

2013-1849

I. CLAIMANT AND CLAIM INFORMATION

| | | | |
|----------------------|-------------------------------------|---------------------|------------|
| Claimant Name | Last/Name of Business [REDACTED] | First [REDACTED] | Middle |
| Claimant ID | [REDACTED] | Claim ID | [REDACTED] |
| Claim Type | Individual Economic Loss | | |
| Law Firm | [REDACTED] | | |

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 subchapter-S business owner in [REDACTED] appeals the denial of his IEL claim for lost wages because his company was awarded compensation on October 1,2012, in a companion BEL claim.BP responds this result is correct and comports with the Settlement Agreement and Policy Decision 363 which provides in part:"The accounting methodology used for calculation of BEL claims pursuant to Section 4C of the Settlement Agreement treats owner/officer payroll costs as a fixed cost.All fixed costs,including owner/officer compensation,are inherently included in the compensation amount calculated under the BEL framework.If the business has filed a BEL claim and any owner or officer of the business has filed any IEL claims,and the Claims Administrator has identified the connection among the claims before any claimant is awarded a payment, the Claims Administrator will compensate the business entity for the loss and will deny the claims of the owners and officers.***".This policy presupposes that both claimants had contemporaneous claims pending so that the Claims Administrator could apply this directive.Here it was not possible to adhere to this process since the underlying IEL claim was not filed until later on December 5,2012.Claimant thus argues it is not possible to determine if in the BEL claim review owner compensation was treated as a fixed expense as required or as variable.The panel agrees that the record is unclear on this issue and that further review is appropriate for the Claims Administrator to evaluate the instant claim in light of the foregoing pronouncements to ascertain whether



compensation is warranted or foreclosed under the given circumstances. Denial of the claim is overturned with directions.