



APPEAL PANEL DECISION FORM

2014-540

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	\$0
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$178,285.02
	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 a BEL award of \$190,357.02 to a survey and mapping company in Fort Meyers, Florida (Zone D). BP's primary complaint is that the Claims Administrator failed to identify and exclude revenue from Claimant's out-of-zone facilities. BP also adds a claim for misclassification of expenses which the Claimant conceded in briefing.

In support of its main argument, BP postits that because the Claimant sends field crews to various project sites for surveying and mapping projects, it received revenue attributable to "facilities outside the compensable Gulf Coast areas class geography." Hence, BP argues with conviction that the Settlement Program failed to identify and exclude such outside revenue in calculating the award. Accordingly, BP seeks remand.

In a pointed and concise reply brief, the pro se Claimant points out that it has only two facilities, both of which are located in Zone D. Each of the survey crews are supervised by personnel located at one of these facilities. Hence, Claimant explains that (1) it operates no "facilities" outside the economic loss zones, and (2) receives no out-of-zone revenue.

This appears to be another case in which BP has drawn incorrect conclusions from the record based upon speculation as opposed to evidence. The record overwhelmingly supports the Claims Administrator's calculation of Claimant's revenue. With regard to the misclassification issue, the Claimant conceded these arguments in its Final Proposal which decreased the compensation amount by a total of \$12,072. This results in a net award of \$178,285.02, pre-RTP. Claimant's Final Proposal is clearly the correct result, especially in light of BP's Final Proposal of \$0.