



APPEAL PANEL DECISION FORM

2014-756

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business [REDACTED]	First [REDACTED]	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	\$13,763
	Risk Transfer Premium	1.50
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$26,836.63
	Risk Transfer Premium	1.50
	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):

[REDACTED] filed this Business Economic Loss claim under the Settlement Agreement. The Settlement Program awarded [REDACTED] \$26,836.63, pre-RTP. BP appeals. On appeal, BP argues that the Settlement Program misapplied Policy 495. BP specifically argues that [REDACTED] financial records reflect large spikes in revenue and thus the Settlement Program should have applied the Professional Services Methodology rather than the AVM approach. BP's argument, however, would misconstrue Policy 495. First, Policy 495 has been approved by the



supervising federal court. It is therefore binding on the Settlement Program and upon the Appeals Panelists. The issue is therefore not whether Policy 495 is prudent and wise but rather how the Settlement Program applied it. Second, the Settlement Program correctly applied Policy 495. The Settlement Program identified the problem and determined the claim was not substantially matched. This triggers application of Policy 495 in full. Under the Policy, [REDACTED] claim is subject to the AVM Methodology. The NAICS code for the vocation is not within the NAICS codes to which the Professional Services Methodology applies. It is true that the Settlement Program has some discretion and could determine [REDACTED] claim to be more appropriate for a different methodology but there is no basis in the record to support such a discretionary decision on the part of the Settlement Program. Claimant's Final Proposal is the correct number.