



**APPEAL PANEL DECISION FORM**

2014-786

**I. CLAIMANT AND CLAIM INFORMATION**

<b>Claimant Name</b>	Last/Name of Business [REDACTED]	First [REDACTED]	Middle [REDACTED]
<b>Claimant ID</b>	[REDACTED]	<b>Claim ID</b>	[REDACTED]
<b>Claim Type</b>	Business Economic Loss		
<b>Law Firm</b>	[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"/> <b>BP's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$97,000</b>
	<b>Risk Transfer Premium</b>	<b>.25</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>
<input type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$174,893.45</b>
	<b>Risk Transfer Premium</b>	<b>.25</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>
<input checked="" type="checkbox"/> <b>Remand to Claims Administrator</b>		

**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 funeral home in Clanton, Alabama. BP asserts three issues for review: policy 495 was not properly followed in attributing revenue for June 2009; payroll expenses were misclassified; and supplies expenses were misclassified. The eligibility notice issued acknowledged the claim was not sufficiently matched and applied the Annual Variable Margin Methodology (AVMM) to calculate the award. BP



first contends that the policy 495 protocol was not properly followed because there was an obvious accounting entry error in claimant's financial records that was not corrected. In June 2009, a month in the Benchmark Period, a revenue spike of \$87,647 was noted. Claimant's own accountants conceded this entry required adjustment: This is the same adjustment \*\*\* that was made in May 2008. We do not have the bank statements on hand in order to break that down into each month (July 2008-June 2009) but I should be to obtain it next week. The record reveals this adjustment was not done. If this correction were made the award would be impacted since the benchmark period revenues would be altered. This error requires remand. Next BP challenges the treatment of year-end bonuses paid to officers (which were received on July 1, 2011) as a variable expense and not a fixed expense. Since these payments were received in 2011 any error would be inconsequential to the benchmark and compensation periods calculations for 2009-2010. Finally the classification of supplies as a fixed rather than as a variable expense is supported by the record. Remand to the Claims Administrator is warranted to determine the correct amount of claimant's award since the final proposals submitted by the parties do not fully comport with the findings of record.