



**APPEAL PANEL DECISION FORM**

2014-792

**I. CLAIMANT AND CLAIM INFORMATION**

<b>Claimant Name</b>	Last/Name of Business [REDACTED]	First	Middle
<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>\$16,754.83</b>
	<b>Risk Transfer Premium</b>	<b>.25</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>
<input checked="" type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$51,058.83</b>
	<b>Risk Transfer Premium</b>	<b>.25</b>
	<b>Prior Payment Offset</b>	<b>\$0</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):**

In what has become a quite familiar pattern of boilerplate assertions, BP appeals a BEL award to a Louisiana realtor. It posits yet again that this Claimant, on a cash basis of accounting, reported spikes in revenue in certain months which should have been spread over the near certain several months of revenue-producing expenses that produced it. Further, such rematching of Claimant's lumpy revenue pattern should have been performed in the first step of the application of Policy 495. Lastly, it declares that the wrong Policy 495



methodology was utilized, asserting that Professional Services would more accurately apply to these issues than would the default AVM methodology used. It would serve no purpose to reiterate the well-reasoned rationale spanning a legion of panel decisions treating the theoretically identical issues involved in this appeal. A thorough review of this record confirms that the CSSP vendors engaged in voluminous correspondence with Claimant's representatives after the financials , in the second step of Policy 495, triggered 3 of the 7 criteria. Appropriate rematching properly occurred applying those criteria.No provision of Policy 495 required such a reallocation in the first step of the process, which simply refers to the correction of accounting errors and miscalculations. As stated previously in many of these appeals, Policy 495 requires sufficient--not exact--matching. The vendors' use of the AVM methodology was exceedingly proper use of their judgment allowed under 495. BP's arguments in this and other similar appeals on this issue appear to this panelist to be based upon speculation sandwiched in obfuscation. Clearly, the Administrator's award was warranted in this case as a textbook application of Policy 495.