



APPEAL PANEL DECISION FORM

2014-794

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	\$68,954.73
	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 has appealed a BEL award to a Florida automotive and marine repair and sales facility on two general grounds. First, it argues that the record shows very large revenue spikes in three particular months, including June and August of 2009, which encompassed the extent of Claimant's only qualifying benchmark period. It asserts that pursuant to Policy 495, these spikes should have been reallocated, and if so, it is likely that Claimant would not have met Exhibit 4B causation requirements. Secondly, BP posits that Claimant was a



marine retailer, and as such, the Administrator was required in Ex. 4A to obtain and review its sales and use tax returns. It proposes a remand to obtain those records or alternatively an award of \$0. In reviewing this record, the vendors displayed a clear and faithful application of Policy 495. In using the seven criteria required by that Policy, the vendors applied the AVM methodology to internally reallocate Claimant's financials as required. No further allocation was required or called for. Secondly, as pointed out in its accountant's brief, the majority of Claimant's income during periods relevant to this award was in automotive and marine repairs, not retail sales. Thus, no examination of sales and use returns was warranted under the Agreement. No basis exists for a remand of this matter, and the award must be chosen as the correct final proposal.