



APPEAL PANEL DECISION FORM

2014-797

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	\$71,936.15
	Risk Transfer Premium	1.50
	Prior Payment Offset	\$0
<input type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$71,936.15
	Risk Transfer Premium	2.50
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Remand to Claims Administrator		

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):

Claimant is a fine art gallery located in the French Quarter of New Orleans, Louisiana. BP appeals contending that the Settlement Program applied an incorrect RTP-Tourism. Claimants NAICS Code is not included in Exhibit 2, but the Settlement Program may rely on additional information to determine whether Claimant is a Tourism business based on the totality of the circumstances. Policy 289 v.2. Exhibit 2's list of businesses is illustrative



and not exhaustive. Claimant responds that it operates in the French Quarter, a historically tourist dependent business area of New Orleans; Claimant's clientele are predominately tourist, and Claimant rarely sells to local residence. BP counters that the sole basis for finding that the Claimant's clientele are predominately tourist and that Claimant rarely sells to local residence is a statement by Claimant's attorney that the majority of the clientele are tourist, according to [REDACTED] he rarely sells to local residence. This statement, standing along, according to BP, is non-objective evidence that is insufficient to support claimants assertions, and that the Settlement Program erred by accepting it without objective third-party support.. This panelist has no problem with accepting the fact that the French Quarter is a predominately tourism dependent business area of New Orleans. But location of the business standing alone is insufficient to warrant a Tourism designation. This panelist is having a problem with the lack of sufficient objective evidence that a majority of Claimant's clientele are tourist and that Claimant rarely sells to local residence. In the spirit of the Settlement Agreement, this panelist believes that this matter should be remanded to the Claims Administrator to give the Claimant an opportunity, within a time certain, to offer more objective evidence of these asserted facts and BP the opportunity, within a time certain, to respond to same if the Claimant elects to do so.