



**APPEAL PANEL DECISION FORM**

2014-816

**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>\$85,843</b>
	<b>Risk Transfer Premium</b>	<b>2.00</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>
<input checked="" type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$122,529.84</b>
	<b>Risk Transfer Premium</b>	<b>2.00</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):**

[REDACTED] filed this Business Economic Loss claim under the Settlement Agreement. The Settlement Program awarded \$122,529.84, pre-RTP. BP appeals, arguing [REDACTED] claim should be evaluated as a "Start-up Business" rather than under the Business Economic Loss format. BP's argument has superficial appeal. They contend that the predecessor entity [REDACTED] was a different business, with a different Employer Identification Number, at a different location." BP's Initial Proposal at 1. Facts are



troubling things, however. As Claimant observes, the facts show that [REDACTED] operated [REDACTED] from 2001 until 2009. [REDACTED] was completed owned by [REDACTED]. In early 2009, [REDACTED] changed the name, Employer Identification number, and Tax ID number of [REDACTED] to [REDACTED]. [REDACTED] retained complete ownership. While BP cites the Louisiana sales tax returns in support of its claim there are two separate businesses, BP'S own materials show that the filings were for [REDACTED]. See BP's Initial Proposal, Exhibit 1. Given these specific facts, it is clear that the Settlement Program's determination that this is the same business is correct. This is a "baseball" appeal, meaning the Final Proposal closest to the correct proposal must be chosen. In the appeal, Claimant's proposal is closest.