



APPEAL PANEL DECISION FORM

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

Denial Upheld

Denial Overturned

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.

Claim should have been excluded.

Claim should have been denied.

Claim should not have been excluded.

Claim should not have been denied.

No error.

Comment (optional):

reasons uploaded

CLAIMANT: [REDACTED]

CLAIM ID: [REDACTED]

Claimant, a non-profit entity in [REDACTED] Louisiana filed this BEL claim. The Claims Administrator determined that Claimant was involved in real estate development and excluded the claim under Section 2.2.4.7 of the Settlement Agreement. Claimant appeals.

In 1985, Claimant bought approximately 200 acres of land and developed [REDACTED] Industrial Park. Currently, per the record, Claimant has 85 acres of land in the industrial park available for sale. On its tax returns, Claimant states that its first program accomplishment is the “Continued Development of [REDACTED] Parish Industrial Park . . .”.

In addition to the development of the industrial park, Claimant (through a letter submitted by its general counsel) submits its mission includes:

- “Attract new businesses to [REDACTED] Parish
- Attract manufacturers to [REDACTED] Parish
- To help retain and expand existing businesses and manufacturers
- To assist in training programs for a stable work force
- To attract capital investment
- To create jobs
- To assist companies and firms to obtain state and local tax incentives”.

The Claims Administrator has promulgated Policy 468. In the Policy the Claims Administrator states:

“In contrast to its treatment of excluded Defense Contractors, the Settlement Agreement provides no revenue threshold applicable to determining who is or is not a Real Estate Developer; rather, the Settlement Agreement takes a more subjective approach and leaves that determination to the sound discretion of the Claims Administrator.”

The record clearly reflects that Claimants’s activities involved with the industrial park qualify as “Real Estate Development”. The record clearly reflects that Claimant’s other activities do not qualify as “Real Estate Development”. The exercise of sound discretion by the Claims Administrator resulted in the determination that Claimant was excluded as a Real Estate Developer. After the required de novo review, and by a narrow margin, this Panelist does not find error with said determination. Therefore, this claim should have been excluded.