



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):

Claimant, the owner of a seafood restaurant in [REDACTED], Florida, appeals the denial of its BEL claim for failure to satisfy the causation requirements of Exhibit 4B of the Settlement Agreement. Claimant sought reconsideration of its denial asserting as a seafood retailer it was exempt from satisfying the causation requirements of the Settlement Agreement. To qualify as such a claimant must show it is located in zones A, B or C (which claimant is) and that at least 25% or more of its total food cost is attributable to seafood products. In its original submissions to the Claims Administrator consisting of tax returns and P&Ls, claimant alleged it satisfied the causation requirements of Exhibit 4B using a benchmark period of 2007-2009. See document [REDACTED] filed March 11, 2013. In fact upon review it was determined that claimant failed to establish the necessary causation requirements. Thereupon claimant sought reconsideration of its denial alleging it was exempt from the causation requirements as a seafood retailer. Claimant failed to show however how any of the submitted financial records established that 25% or more of its annual food cost was attributable to seafood products. At the most the P&Ls show only claimant's monthly food cost without providing the necessary specifics required by the Settlement Agreement. There is no error. The appeal of claimant is denied.