



APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

| | | | |
|----------------------|-------------------------------------|---------------------|------------|
| Claimant Name | Last/Name of Business [REDACTED] | First [REDACTED] | 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 | \$12,849.01 |
| | Risk Transfer Premium | .25 |
| | Prior Payment Offset | \$0 |
| <input checked="" type="checkbox"/> Claimant's Final Proposal | Compensation Amount | \$28,586.01 |
| | 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):

[REDACTED], Realtor filed this Business Economic Loss claim under the Settlement Agreement. The Settlement Program awarded \$28,586.01, pre-RTP. BP appeals. On appeal, BP complains that [REDACTED] financial data are not sufficiently matched and also that a different methodology should have been applied to correct mismatching. The Claims Administrator found that income and expenses were not sufficiently matched. Having made this determination, the Settlement Program applied Policy 495 to address the mismatching. The Claims

Administrator applied the AVM methodology, leading to the award in Claimant's favor. BP suggests that the Professional Services Methodology should have been applied. The flaw in this argument is that the Professional Services Methodology lists the NAICS codes to which it applies. Real estate agents are not within that group. On its surface, therefore, the Professional Services Methodology does not apply to this claim. BP argues the Claims Administrator should have applied the Professional Services Methodology anyway. While having that discretion, the professional judgment of the professional accounting department should be given some deference by the Appeals Panel. Yet another reason to uphold the Claims Administrator's award derives from the nature of this appeal, a "baseball" appeal. This means the Final Proposal closest to the correct award prevails. BP offers no analysis or evidence of what the award would be if the Professional Services Methodology was applied. BP concedes this in its Initial Proposal, at page 5, Fn 6. It labels its Final Proposal as a "good-faith proxy." A proxy is no substitute for sustainable Final Proposal. As Claimant's Final Proposal is closest to being correct, it is chosen.