



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	Start-Up 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):

See attached opinion uploaded in the portal.

DWH: ██████████

Claim ID: ████████

Written Reasons and Opinion:

This is a Claimant appeal from the denial of a Start-Up Business Economic Loss claim. The Claims Administrator rejected the claim upon a finding that, as a resident and taxpayer of the United Kingdom, Claimant is not a member of the Settlement Class and therefore cannot make any claim.

Claimant asserts that she and a cousin each own a 50% interest in a condominium in ██████████ ██████████, Florida and operate a vacation rental business there. As part of an entity which owned the property and operated the business following the Spill, she contends she is covered by Settlement Agreement 1.2.4 which includes in the Class individuals who owned or leased real property in the Gulf Coast areas at any time from April 20, 2010 to April 16, 2012. She rejects the notion that the parties intended to totally exclude individuals such as she who, while not resident in the United States, owned property in the affected area and suffered losses due to the Spill. She notes that such individuals are not listed among the individuals or entities who are excluded from the Settlement Class definition contained in Paragraph 2 of the Agreement.

BP, quite naturally, supports the conclusion of the Claims Administrator on the residency issue. Moreover, says BP, Claimant cannot meet the Settlement Agreement Exhibit 4A documentation requirements for Start-Up BEL claims because she does not have federal tax returns (including all schedules and attachments) for the years in question. Claimant submitted UK tax returns, together with a form claiming exemption from U.S. taxes. For that reason alone, BP contends that rejection of this claim was proper.

BP is correct on both counts. The residency requirement was correctly invoked and cannot be waived. Should that hurdle be overcome, the documentation requirement would also preclude this claim.

For the foregoing reasons, this Claimant appeal cannot be sustained. Denial of this claim is therefore affirmed.

Decision: December 15, 2014