



**APPEAL PANEL DECISION FORM**

**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>\$0</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>\$89,285.29</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 Claimant \$89,285.29, pre-RTP. BP appeals. On appeal, BP notes that Claimant recorded 80% of its membership fee revenue in November and December, 2009. See BP Initial Proposal, at 1. BP claims that the Settlement Program did not properly match revenues and expenses particularly when memberships have a duration. The reality is different, however. First, the Settlement Program identified the

claim as “insufficiently matched” and then applied Policy 495 to address the matching issues, the very issues BP complains of now. Application of Policy 495 achieved sufficient matching to meet the requirements of the Settlement Agreement and of governing case law. The Settlement Program’s Award is the calculation that Policy 495 dictates. Moreover, a review of the accounting notes and work indicates that all factors were considered in the calculation process. The AVM methodology was applied and the seasonal factor of Claimant’s membership fee revenue was specifically considered. See Deepwater Horizon Settlement Business Compensation Total Calculated Loss, at page 4, note 8. Doc # [REDACTED] Note 8 indicates that the AVM had to take into consideration the “seasonality” of Claimant’s business, in this case the winter golfing months of November through March. The record in the instant case more than supports the Settlement Program’s Final Award. This is a “baseball” appeal, meaning the Final Proposal closest to the correct result prevails. Here, there is no record basis for BP’s Final Proposal of \$0.00. There is ample evidence to support the Final Proposal of Claimant, which is the Settlement Program’s proposed Final Award.