



**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>\$34,295</b>
	<b>Risk Transfer Premium</b>	<b>1.50</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>
<input checked="" type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$48,790.31</b>
	<b>Risk Transfer Premium</b>	<b>1.50</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):**

BP has again appealed a BEL award to a realtor on the same grounds that have been asserted in a multiplicity of other appeals. In almost boilerplate fashion, BP asserts that as a cash accounting basis entity, Claimant reports spikes in commission income in certain months that should be matched at Step One of Policy 495 to reallocate it over the several months that to a near certainty it took in earnings activities to produce the revenue. It also again asserts that instead of using the AVM methodology chosen by the vendors to roughly match

revenues and expenses, the vendors should have resorted to the use of the Professional Services methodology. It argues for a remand to perform further matching and alternatively proposes a much lower award, admitting in footnote that its math is based upon assumptions unavailable from the record. This record has been reviewed de novo. Sufficient matching was done by the vendors in the second step of Policy 495, by subjecting Claimant to the seven criteria denoted therein. This is all that is required. The vendors exercised their allowable discretion in choosing AVM over Professional Services as a methodology, the latter which does not include realtors as one of the enumerated entities that mandate its use. There is nothing different in this record from the facts and arguments addressed and denied in many other essentially identical appeals on this issue. As such, the award must be chosen and affirmed.