



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	\$16,465
	Risk Transfer Premium	1.50
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$42,066.67
	Risk Transfer Premium	1.50
	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):

BP appeals the BEL award to claimant, a realtor in [REDACTED], Florida. BP asserts two issues for review: the revised accounting protocol under policy 495 was not properly followed because revenues were not attributed to the months they were earned; and an improper industry-appropriate methodology was used. The eligibility notice issued acknowledged the claim was not sufficiently matched and used the Annual Variable Margin Methodology (AVMM) to calculate the award. Claimant maintained his records on a cash basis and recorded

commissions when closings were completed. Claimant used a Benchmark Period of 2009 (May-July). BP contends revenues of \$62,830 were recorded in May 2009 with no revenues reported for the next two months; and thus a great portion of these revenues should be allocated to prior months outside this period. BP conjectures without further proof failure to make this adjustment flawed the award to its disfavor. The Claims Administrator followed policy 495 protocol by first correcting any accounting errors in the P&Ls and then applying the screening process and use of AVMM to make warranted adjustments. It is noted that for 2009 claimant reported revenues only in January, April and May while recording expenses for all twelve months. Any imbalance in monthly revenues and expenses is best adjusted using AVMM. See page 3, paragraph 6, policy 495. Reallocating revenues to other months as urged by BP is rejected. Exact matching is not required, only sufficient matching. Finally for claims such as this one application of the AVMM as the industry-appropriate methodology was correct. Recent decisions support this conclusion. Remand is not warranted. The award is affirmed and the appeal of BP is denied.