



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	\$0
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$107,178.20
	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):

BP appeals a BEL award to an [REDACTED] Al. realtor. In a very familiar refrain, it posits that the vendors misapplied Policy 495 by failing as an initial step to rematch revenues from a large commission reported in Sept., 2010 which to a near certainty was earned from expenses and activities conducted over the previous several months, which encompassed Claimant's Compensation Period. It further argues that the vendors erred in using the AVM methodology as opposed to the Professional Services methodology in analyzing this claim. This panelist had

delayed in deciding this appeal pending an explanation from the vendors concerning their choice of the AVM methodology for occupations such as realtors. Now, this panelist is completely satisfied as to why and how AVM was the appropriate analysis for both realtor and, for that matter, medical provider claims. Most importantly, it has been confirmed that during deliberations over Policy 495, both of the latter occupations were specifically discussed for inclusion under Professional Services but were rejected after much debate and discussion. Policy 495 was ultimately approved by all parties and then sanctioned by the District Court. The listings of occupations in the Professional Services methodology in no way included, nor were they meant to include, realtors. AVM, the default methodology, was properly chosen, using the broad judgment allowed the vendors under this Policy. BP's argument that rematching should have occurred as a first step in 495 is, as stated many times in many prior decisions of this panel, simply incorrect. Any matching calculations are internally performed in the subjection of the Claim, as herein, to the seven triggers that are part of the second step of the Policy. After a de novo review of this record, it is clear that all calculations were properly performed and that the Administrator's award must be selected as the correct result.