



APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business [REDACTED]	First	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	\$66,978
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$73,500
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Remand to Claims Administrator		

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):

Claimant is a produce broker arranging transportation by motor vehicle located in [REDACTED] Florida. The Settlement Program awarded Claimant \$79,243.17. The only issue in this appeal by BP is whether the Settlement Program erred in designation of Truck Claims as being fixed. BP contends that the very description of the expense as a Claim is an indication that the expense is not a fixed, recurring expense, and that regular

maintenance expenses would not have such significant spikes as Claimant had in this expense in 2007 and 2008. BP request that the claim be remanded to re-evaluate this expense, or in the alternative, the expense should be classified as at least 50% variable, which BP claims equals to \$12,265. Thus, BP makes a Final Proposal of \$66,978. Claimant counters that the expense should be grouped with Misc. Expenses or Storage Expenses, which are both fixed expenses under the Settlement Agreement, but for purposes of resolving the appeal, Claimant agrees to reclassify the expense as 50% variable, as BP proposed. However, Claimant's calculation of the 50% reduction is \$5,743.17, which would mean a reduction to \$73,870, but somehow Claimant comes up with a Final Proposal of \$73,500. This panelist cannot determine from the record how either BP or the Claimant came up with the figure each claim 50% represents, but it matters not beause this panelist feels that pulling 50% out of the air with no basis in the record is inappropriate under the cicumstances. BP has the better argument as to whether this item contains variable expenses. How much still needs to be determined, and a more specfic evaluation of this expense is called for. This appeal is remanded for that purpose.