



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 checked="" type="checkbox"/> BP's Final Proposal	Compensation Amount	\$7,923
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$25,009.33
	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):

Claimant rents and leases multiple buildings and is located in [REDACTED], Louisiana. The Settlement Program awarded Claimant \$25,009.33, pre-RTP. BP appeals and points to what it deems an unusual distortion in Claimant's expenses for Maintenance and Repairs. In October, 2010, Claimant recorded \$37,848 in Maintenance and Repair expenses, which was more than thirteen times its average monthly expenses for maintenance and repairs. Thus, BP declares that Claimant's maintenance and repair expenses for October,

2010, appear to be Capital expenditures rather than standard maintenance and repair expenses. This, according to BP, would reduce Claimants award to \$7,923, pre-RTP. Incredibly, although represented by counsel, Claimant has not submitted a memorandum in opposition. The only assertions before this panelist are those from BP. On its face, BP's assertions are not unreasonable and are left in the record uncontested and unrefuted. By Claimant's failure to respond, Claimant has conceded to BP's position.* BP's Final Proposal is adopted.* In a recent opinion where counsel for a claimant again failed to respond, a fellow panelist very appropriately reminded counsel for claimants of their professional and ethical obligations to their clients in this regard. This panelist echoes that concern.