



**APPEAL PANEL DECISION FORM**

**I. CLAIMANT AND CLAIM INFORMATION**

|                      |                                     |                 |            |
|----------------------|-------------------------------------|-----------------|------------|
| <b>Claimant Name</b> | Last/Name of Business<br>[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 checked="" type="checkbox"/> <b>BP's Final Proposal</b> | <b>Compensation Amount</b>   | <b>\$37,131.43</b> |
|  | <b>Risk Transfer Premium</b> | <b>.25</b>         |
|  | <b>Prior Payment Offset</b>  | <b>\$0</b>         |
| <input type="checkbox"/> <b>Claimant's Final Proposal</b>      | <b>Compensation Amount</b>   | <b>\$37,131.43</b> |
|  | <b>Risk Transfer Premium</b> | <b>2.00</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):**

Decision comment uploaded to portal

[REDACTED]

[REDACTED]

Claimant, [REDACTED] is a jeweler located in [REDACTED] Florida (Zone C). The Settlement Program awarded Claimant \$37,131.43 pre-RTP. BP asserts the Settlement Program improperly designated Claimant a tourism business and applied an incorrect RTP of 2.00 instead of the correct RTP of 0.25 for a non-tourism business.

BP argues that Claimant is not a tourism business and, under the Settlement Agreement, Claimant is eligible for the RTP of 0.25 applicable to non-tourism businesses located in Zone C. See Settlement Agreement, Ex. 15 at 2.

The Settlement Agreement defines “tourism” in Exhibit 2 as “businesses which provide services such as attracting, transporting, accommodating or catering to the needs or wants of persons traveling to, or staying in, places outside their home community.” Settlement Agreement, Ex. 2, at 1. Exhibit 2 lists the industry codes of businesses that meet the Tourism definition.

Claimant’s submittal to the Settlement Program from its attorney states the “Applicable RTP: 0.25,” the RTP applicable to non-Tourism businesses. See Correspondence from Claimant’s Counsel (Doc ID # [REDACTED]). Nevertheless, the Settlement Program granted Claimant a tourism designation, without identifying any evidence to support this departure from Exhibit 2.

Claimant’s attorneys did not file a brief defending the designation of the Claims Administrator, which, in light of its initial designation of the applicable RTP as .25, indicates the designation of an RTP of 2.0 was an administrative or inputting error.

Neither this Claimant's business activity nor its NAICS code place it in the tourism category. It is only entitled to a .25 RTP. BP’s appeal is well taken, and its Final Proposal reducing the RTP to .25 is hereby selected.