



**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 type="checkbox"/> <b>BP's Final Proposal</b>                  | <b>Compensation Amount</b>   | <b>\$42,345.02</b> |
|  | <b>Risk Transfer Premium</b> | <b>1.25</b>        |
|  | <b>Prior Payment Offset</b>  | <b>\$0</b>         |
| <input checked="" type="checkbox"/> <b>Claimant's Final Proposal</b> | <b>Compensation Amount</b>   | <b>\$95,578.02</b> |
|  | <b>Risk Transfer Premium</b> | <b>1.25</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):**

BP appeals a BEL award to a kidney dialysis center on two stated grounds. First, it asserts that Claimant's annual management fees were misclassified as Fixed, when in truth they vary greatly from year to year. Claimant in brief satisfactorily responds that the annual change in such contract fees is not a function of its sales volume, but simply a function of the number and size of other subscribers to this contract service. Indeed, if its revenue could not fund the set annual contract fee, it would have to seek a loan to pay it. This is the

textbook application of the contract services category which was negotiated as a Fixed Expense in Exhibit 4D of the Agreement. Secondly, BP argues that both the management fee and the 50013 ██████ cost , each of which were inordinately high in January, 2010, should have been reallocated to 2009, arguing that the AVM methodology used by the vendors did not correct these mismatches. Initially, this panelist will not consider any indirect assail of the vendors' choice of a particular Policy 495 methodology, as this argument was not preserved for appeal in BP's notice, as required. A careful review of the Calculation Notes, Accountant Compensation Calculation Schedules, and other correspondence more than confirms that the letter and spirit of Policy 495 was applied in sufficiently rematching these and other items through use of the AVM methodology. No basis exists for a remand of this matter, nor for BP's final monetary proposal.