



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	\$0
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$513,266.93
	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 the BEL award (\$513,266.93, pre-RTP) to this [REDACTED] LA chemical company, contending that the Claims Administrator failed to determine whether the claimant should be excluded as an oil and gas-related business under Exhibit 17. Alternatively, BP contends that the Claims Administrator failed to determine whether moratoria issues were adequately investigated. BP suggests an award of \$0 is appropriate. In support of its argument, BP notes that the claimant, [REDACTED] is a "division of [REDACTED]" which

has "interests" in oil and gas wells and is "affiliated" with an oil field. Much of BP's brief focuses on the activities of ██████████ and its operations, and BP attaches pages from the Claimant's website which show that it services customers in the oil and gas industry. This is misleading, and a full examination of the company's website clearly shows that it historically made paper and resins used to make phonographs. More recently, Claimant has specialized in drying water based chemical liquids into powders used by a variety of industries, including industrial chemicals, agriculture, feed and construction. Its NAICS code, while not dispositive, is listed as 325100 – Basic Chemical Manufacturing which is not excluded under Exhibit 17. The Claims Administrator's decision whether an industry is excluded from the Settlement Agreement is made at the entity level. A thorough review of the record in this claim does not persuade this panelist that the Claims Administrator erred or that this claim should be excluded. The award to the Claimant is upheld.