



**APPEAL PANEL DECISION FORM**

**I. CLAIMANT AND CLAIM INFORMATION**

<b>Claimant Name</b>	Last/Name of Business [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>\$168,806</b>
	<b>Risk Transfer Premium</b>	<b>.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>\$203,455.22</b>
	<b>Risk Transfer Premium</b>	<b>.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):**

[REDACTED] filed this Business Economic Loss claim under the Settlement Agreement. The Settlement Program awarded [REDACTED] \$203,455.22, pre-RTP. BP appeals [REDACTED] is a commercial real estate business located in [REDACTED] Florida, Zone C. BP argues on appeal that revenues fluctuate from month to month for real estate businesses and thus revenues must properly be matched under the holdings of the supervising federal court and the U. S. Court of Appeals for the 5th Circuit. Policy 495 was adopted by the Settlement

Program and approved by the supervising federal court to address the matching requirement in Business Economic Loss claims such as this one. The Settlement Program determined in this claim that matching issues were present. This triggered Policy 495. BP argues the Settlement Program should have applied the Professional Services Methodology to the facts of this claim rather than the AVM methodology. The problem with BP's argument is that the Professional Services Methodology specifies the NAICS codes to which it applies. [REDACTED], and indeed real estate businesses generally, do not possess one of the NAICS codes that require application of the Professional Services methodology. The Settlement Program has discretion and can expand the categories to which BP's preferred methodology applies but they are not required to. In addition, the Settlement Program contends there are sound accounting reasons not to expand it. Policy 495 is controlling and binding on the Settlement Program and on the Appeals Panelists. It is not the place of an Appeals Panelist to rewrite Policy 495, nor is it the function of an Appeals Panelist to mandate that the Settlement Program depart from its practice in processing thousands of claims and exercise its discretion to force application of the Professional Services methodology. The Claimant's Final Proposal, which represents the Settlement Program's award, is the Final proposal closest to the proper award.