

## APPEAL PANEL DECISION FORM

### I. CLAIMANT AND CLAIM INFORMATION

<b>Claimant Name</b>	<small>Last/Name of Business</small> ████████████████████	<small>First</small> ██████████	<small>Middle</small> ██████████
<b>Claimant ID</b>	██████████	<b>Claim ID</b>	██████████
<b>Claim Type</b>	Business Economic Loss		
<b>Law Firm</b>	████████████████████		

### 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>\$0</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>\$81,199.35</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):**

████████████████████ filed this Business Economic Loss claim. The Settlement Program awarded \$81,199.35, pre-RTP. BP appeals. On appeal, BP complains that the Settlement Program misapplied Policy 495. Policy 495 was adopted by the Settlement Program and approved by the supervising federal court. It is therefore controlling on the Appeals Panel. Policy 495 applies to claims that are not sufficiently matched. When that occurs, the Settlement Program is authorized to apply a methodology to address the problem. Here the

Settlement Program applied the AVM methodology. With respect to this choice, Policy 495 states in Underlying Issues / Principles, at Section 6, "for the majority of claimants, sufficient 'matching' of revenue and expenses will be best accomplished through an Annual Variable Margin methodology." Thus, the Settlement program in the instant claim applied the basic approach used in most claims. Nothing in the record supports deviation from the standard application of the AVM in this matter. BP's final point is that the Settlement Program erred in characterizing the factoring Expense as Variable rather than fixed. While BP's point is incorrect, it is also moot given that this is a "baseball" appeal. This means the Final Proposal closest to the proper award is chosen. In this claim, Claimant's Final proposal is closest.