

APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business [REDACTED]	First [REDACTED]	Middle [REDACTED]
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	\$11,663
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$38,204.12
	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):

As BP correctly states in the opening to its Initial Proposal, this appeal "involves a recurring issue," wherein BP asserts on a recurring basis that a real estate broker's commission earnings recorded on a cash basis should be reallocated by the Settlement Program as a "first step" under Policy 495, so as to attribute them to the months in which they were earned. Moreover, BP contends that the Professional Services Methodology should thereafter have been applied to the claim, not the Annual Variable Margin Methodology. As a recurring issue,

these contentions have been addressed in detail in dozens of prior appeal decisions and consistently rejected, with accompanying detailed analysis and explanation. Against that body of persuasive precedent, nothing would be served by a further reiteration of answers to BP's position. Suffice it to comment that the listing of a property by a real estate agent, and work promoting the property to various non-purchasing buyers, has no carry over into the dealings with the buyer who finally elects to purchase the property. BP's Final Proposal is \$11,663, based on a "proxy" assumption that all sold properties have been on the market for four months; Claimant's Final Proposal is the same as the Eligibility Award of \$38,204.12, and the Baseball Process dictates selection of the latter. The appeal is denied.