

## APPEAL PANEL DECISION FORM

### I. CLAIMANT AND CLAIM INFORMATION

<b>Claimant Name</b>	Last/Name of Business ████████████████████ ████████████████████	First ██████████	Middle ██████████
<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>\$28,782</b>
	<b>Risk Transfer Premium</b>	.25
	<b>Prior Payment Offset</b>	\$0
<input checked="" type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$50,213.37</b>
	<b>Risk Transfer Premium</b>	.25
	<b>Prior Payment Offset</b>	\$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 of \$50,213.37 (pre-RTP) to a ██████████ Alabama dental practice. Despite a determination that the claimant's revenue and expenses were sufficiently matched and despite none of the seven matching criteria in Policy 495 having been triggered, BP nevertheless maintains that the Claims Administrator should have investigated "spikes" in Claimant's revenue further. BP argues that the very nature of

the claimant's practice involves acceptance of insurance payments that necessarily do not coincide with the time frame in which the services were provided. In support of its position, BP alludes to Claimant's July, 2010 income as "artificially low" and its August, 2010 income as "artificially high" and speculates that the difference was "most likely attributed to delayed insurance payments." A review of the record and Claimant's P&Ls shows that its income indeed fluctuates. However, mere fluctuations in income do not mean that the revenue and expenses are insufficiently matched, and the record reveals a detailed analysis by the Settlement Program. Policy 495 provides that a claim which does not trigger any of the seven matching criteria shall be presumed to be sufficiently matched. That is the case in this claim and BP's assertion that Claimant's revenue as reported was either artificially high or low amounts to no more than mere speculation. BP's final proposal of \$28,782 was offered without any support. After a thorough review of the record, I find no error on the Claims Administrator's part and find that Claimant's final proposal is the correct amount.