

APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

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

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	\$85,803.01
	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 this award in favor of ██████████, a metal fabrication business. BP complains about the minimal revenues recorded in December, 2010 and postulates that some of the company's revenues posted in January 2011 should have been moved to December. Further, appellant contends that, if significant revenue is moved to December, claimant would not satisfy the applicable formula under the Settlement Agreement. While it is true that December 2010 had substantially lower revenue than any other month from 2007 through 2011, it

is not appropriate to simply move revenue from one month to another based on conjecture that some of the January income should have been posted in December. Claimant fabricates metal tanks, etc and says it is likely that the company was working on an order in December 2010 that was not complete until 2011. Admittedly, this explanation is vague and not entirely compelling. It begs the question as to how many projects the company undertakes at one time and why there were virtually no orders that produced a December receivable. Nevertheless, the Claims Administrator did address revenue fluctuations with this claimant for the month of December as well as several other months. Additionally, the Settlement Program applied the Annual Variable Margin Methodology which was appropriate under Policy 495. Although Claimant's response is less than compelling, the proper methodology was utilized and BP's speculation regarding when revenue should have been recorded is not a sufficient basis to overturn the decision of the Claims Administrator. Accordingly, the award in favor of the claimant is affirmed.