



APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business ██	First ██████████	Middle ██████████
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	\$60,000
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$88,767.46
	Risk Transfer Premium	2.00
	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):

Claimant is a fine jewelry store located in ██████████, Florida, which the Settlement Program awarded \$88,767.46 pre-RTP with an RTP of 2.00. BP alleges two errors: (1) the Settlement Program improperly designated Claimant as a Tourism business, and (2) that the Settlement Program failed to verify that Claimant's revenue was properly attributed to the months when it was actually earned (the matching issue). More specifically, the Settlement Program addressed the matching issue by applying the AVM methodology. As to the

Tourism business designation, BP points out that the Claimant admitted that it was not a Tourism business. On Claimant's Claim Form, Claimant responded No to the question Does your business fall within the Tourism Definition, and used a RTP of .25, which is non-tourism. Also, the NAICS codes used by the Claimant in its tax returns and the code assigned by the Settlement Program are not codes listed in Exhibit 2. While BP concedes that the list is not exclusive, but illustrative, BP argues that the absence of these codes in the list is persuasive that the entity is not a Tourism business. Claimant counters that it was the Claims Administrator who adjusted the RTP to 2.0 (tourism business), and the Claims Administrator under the Settlement Agreement has ample discretion to determine if the claim meets the Tourism definition. Claimants business is located in a tourist area in close proximity to tourist attractions. The determination of whether a business meets the Tourism business definition is based on the totality of the circumstances. The record reflects that the Claims Administrator delved hard into this determination and there is no significant showing that the Claims Administrator improperly designated the Claimant as a Tourism business. The same goes for the matching issue raised by BP, there is insufficient record evidence that the Settlement program inappropriately utilized Policy 495 and the AVM methodology. BP's appeal is denied.