

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	\$11,759
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$28,552.73
	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)*:

In this BEL award to a Mississippi feed farm and supply store, BP appeals on the basis that the Program vendors misapplied Policy 495 in two instances. First, that although the seven criteria of the Policy were not triggered, the vendors, in the spirit of Policy 495, should have looked further into reallocating spikes in COGS expenses reported in the Fall of 2009. Second, that a Bad Debt expense reported annually should likewise have been redistributed over the entire year. It seeks a remand to have these matters examined, or alternatively a

monetary proposal that it does not explain in the record. After a de novo review of this record, it is clear that the vendors used their broad professional judgment allowed by Policy 495 in computing this award. BP essentially is proposing that the vendors' judgment should be subordinated to their own. If as here the seven criteria are not triggered, there is under the Policy a presumption of sufficient matching of expenses to revenue, to be reconsidered only if significant indicia exist to justify further examination and reallocation. As stated many times before, exact matching is not required, only sufficient matching. This record does not justify either BP's unsupported numerical proposal nor its request for a remand.