



APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business [REDACTED]	First [REDACTED]	Middle
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	\$32,357
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$68,348.99
	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):

No error

[REDACTED]

The Claims Administrator awarded this Zone C real estate agent \$68,348.99, pre-RTP. BP appeals, assigning as error the failure of the Claims Administrator to properly apply the matching requirements of Policy 495. BP seizes upon significant revenue peaks and valleys in the Claimant's financials as clear evidence of mismatching. It describes the Claimant's "lumpy" revenue pattern as indicative of large sales commissions received in months after the corresponding sales efforts were performed. Predictably, BP also challenges the Administrator's selection of the AVM methodology which it criticizes as being incapable of correcting revenue misattribution. BP proposes an estimated four months per sale which it argues supports its Final Proposal of \$32,357.00.

The accounting vendor subjected the Claimant's financials to the seven criteria of Policy 495 which resulted in five triggers. The AVM methodology was then utilized. There is nothing in the record that supports BP's hypothetical four month time period for real estate sales. Common sense suggests to the contrary as real estate commissions may result from many months of sales effort or no effort at all, depending on market factors. Here, the accounting vendor was fully justified in exercising professional judgment in selecting the AVM methodology. There being no basis for remand, the award is affirmed.