



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	\$93,000
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$167,071.20
	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]

In another appeal of a BEL award to a real estate agent, BP asserts that the Claims Administrator failed to resolve severe variances between the Claimant's revenue and expenses. As in numerous prior appeals, BP complains that Claimant's cash-based accounting results in the artificial distortion of her P&Ls and that the Administrator took no steps to correct this mismatching.

Finding no error, I affirm the award of \$167,071.20. A review of the record discloses that the accounting vendor properly applied the provisions of Policy 495 by utilizing the Alternate Variable Margin methodology to restate Claimant's revenue and expenses. While BP is correct that the financials contain revenue spikes and months with no revenue, this does not mean that Policy 495 was misapplied. In fact, BP only suggests that the claim be remanded so that the Settlement Program can "adjust Claimant's P&Ls to record revenue when earned." However, BP fails to explain how such adjustments should be accomplished within the framework of Policy 495.

The record reflects that the accounting vendor subjected Claimant's financials to the seven criteria of Policy 495 and that two of them were triggered. The Calculation Notes confirm the vendor's recognition that the variable expenses did not correlate with the months in which revenue was recorded. A careful *de novo* review of this record shows that the accountant properly applied Policy 495 and that selection of the AVM methodology was appropriate for this claim by a real estate agent. The Program accountant committed no error and there is no basis for remand. Accordingly, BP's appeal is denied.