

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	\$40,134.36
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$40,134.36
	Risk Transfer Premium	1.25
	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 the award of \$40,134.36 (pre-RTP) to this Claimant which owns and operates several retail shoe stores. This particular claim relates to Claimant's location in the ██████████, FL. Both BP and Claimant agree on the compensation amount, thus the sole issue in this appeal is the proper application of the Risk Transfer Premium. The Claims Administrator determined the business to be tourism related and assigned an RTP of 1.25. BP disagrees that and argues that shoe stores are not the type of business contemplated as

tourist related in the Settlement Agreement and that the proper RTP should be .25. While the NAICS code for Claimant's business is not listed as tourism in Exhibit 2, it is clear that the NAICS code, standing alone, is not determinative. The record contains evidence that Claimant focused its marketing efforts on tourists and intentionally located its store in an area with a high seasonal tourist population. A majority of Claimant's sales were to customers outside of the [REDACTED] area. Like my fellow panelist in a separate appeal of an award to this claimant, I note that the Claims Administrator's decision that all claims filed by this business were tourism related, that decision went unchallenged by BP in three of the five claims. Considering the totality of the circumstances as I must, I find no error on the part of the Claims Administrator. I also note that the same decision was reached by my colleague in a very similar appeal (See Claim # [REDACTED]. BP's appeal is denied and the Claimant's final proposal is correct.