



**APPEAL PANEL DECISION FORM**

**I. CLAIMANT AND CLAIM INFORMATION**

<b>Claimant Name</b>	Last/Name of Business ██████████	First ███	Middle
<b>Claimant ID</b>	██████████	<b>Claim ID</b>	██████████
<b>Claim Type</b>	Business Economic Loss		
<b>Law Firm</b>	██████████		

**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"/> <b>BP's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$75,780</b>
	<b>Risk Transfer Premium</b>	<b>1.50</b>
	<b>Prior Payment Offset</b>	<b>\$</b>
<input checked="" type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$114,781.87</b>
	<b>Risk Transfer Premium</b>	<b>1.50</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>

**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 BEL award to this Zone A real estate broker located in ██████████ FL, contending that the Claims Administrator failed to properly match Claimant's financial records as required by the Settlement Agreement and the dictates of the 5th Circuit Court of Appeals. BP contends that Claimant's records demonstrate revenue "spikes" which necessarily correlate with Claimant's method of cash based accounting, recording income when received, rather than over the period in which it was earned. Analysis of the record shows that Claimant's

financial records triggered 4 of the 7 matching criteria outlined in Policy 495. For this reason, the CSSP accountants determined that the claim should proceed through the AVM methodology. BP asserts that this was error and argues (1) that the "root causes" of the mismatching should have been addressed before proceeding through any methodology, and (2) that "for some reason, the Settlement Program has not applied the Professional Services Methodology to real estate agents and brokers and has instead applied the Annual Variable Methodology ("AVM") ..."Policy 495 first requires a determination of whether a claimant's income and expenses are "sufficiently matched." If not, after correcting for obvious errors such as wrong entries and credits that should have been debits, the claim must then proceed under one of the approved methodologies. The policy clearly notes that, after extensive input from BP and others, claims will be assigned to an industry type using the NAICS codes outlined in Attachment A. Real estate brokers are not listed under the NAICS codes assigned to the Professional Services Methodology and, accordingly, the AVM methodology was the correct decision. After full evaluation of the record, I find the actions of the Settlement Program were appropriate and thus deny BP's appeal.