

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	\$342,806.64
	Risk Transfer Premium	1.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$342,806.64
	Risk Transfer Premium	2.00
	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)*:

The Claims Administrator awarded \$342,806.64, pre-RTP to the owner of three convenience stores in [REDACTED]. The Administrator awarded Claimant an RTP of 2.0 as a Zone B business. BP appeals, raising the single issue that the zone designation and RTP were in error because the Claimant is headquartered in Zone D. BP does not challenge the amount of the award nor the methodology by which it was calculated.

The essence of BP's appeal is that Claimant's actual headquarters location is located at [REDACTED] in Zone D. On its BEL Claim Form, Claimant listed its address as [REDACTED], a Zone B location. BP points to Claimant's tax returns, sales and use tax returns, and its corporate annual report which all use the [REDACTED] address. In response, Claimant contends that its business is operated out of the [REDACTED] location, which is its principal office. An affidavit from Claimant's principal owner states that his office is maintained at the [REDACTED] location where he conducts senior management functions for the company.

BP counters with photographs and Google Map data indicating that [REDACTED] is actually one of Claimant's convenience store/gas stations which is not indicative of a corporate headquarters.

Under Exhibit 5 of the Settlement Agreement, when a Multi-Facility Business files a consolidated BEL claim for all locations, the RTP applicable to the headquarters must be applied to the entire consolidated claim. Further, Section 38.39 defines Headquarters as "a physical office in which the principal executive offices and direct support staff for senior management functions of a business Entity are located." BP argues that Claimant's repeated use of the [REDACTED] address on official documents indicates that it is headquartered at that location. However, BP has

submitted no evidence that Claimant's physical office, in which the principal executive offices and direct support staff or senior management functions, are at that address. In fact, the record is silent as to just what may be located at the [REDACTED] address or what, if any, business operations are conducted there. Although it is a close question, BP has not demonstrated a sufficient basis to overturn the Administrator's award or that remand is appropriate. Accordingly, the appeal is denied.