

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	\$0
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$100,036.02
	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)*:

BP has appealed a BEL award of \$100,036.02 (pre-RTP) to a ██████████. directional boring company on the single basis that the Program accountants used the wrong Policy 495 methodology in analyzing the financials. BP points out that Claimant's assigned NAICS code (237110) was included in the Policy 495 listing of codes appropriate for use of the Construction methodology, and that the accountants were required to use that methodology absent factors that justified a different methodology. Herein, the AVM methodology was used. BP



seeks a remand to justify non-use of the Construction methodology, or alternatively proposes \$0. Claimant, pro se, responds cogently that Policy 495 grants the Program accountants leeway in their selection of the appropriate methodology, and that in this case, their choice of AVM was correct based upon the factors unique to its business. Specifically, Claimant points to the fact that in contrast to typical companies in construction, Claimant's job cycle is usually less than a week, and its revenues and expenses for most jobs are included in the financials in the same month. The only reason even AVM was required for sufficient matching was because of certain fluctuations in Claimant's variable margin, as explained to Program accountants. A de novo review of this record shows extensive communications between Claimant and Program accountants whereby the latter were able to dig deep to understand the true nature of Claimant's business operation. The vendors were more than justified in their use of AVM under the particulars of this case. Thus, Claimant's final proposal, seeking full affirmation of the award, must be chosen in this baseball arbitration process.