

**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>	Start-Up Business Economic Loss		
<b>Law Firm</b>	██████████		

**II. DECISION**

**Denial Upheld**

**Denial Overturned**

**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.

**Claim should have been excluded.**

**Claim should have been denied.**

**Claim should not have been excluded.**

**Claim should not have been denied.**

**No error.**

**Comment (optional):**

Claimant is a provider of employment and staffing services appealing the denial of a Start-up BEL claim for its facility located in ██████████. In essence, it asserts that the program vendors erred in finding that it had not commenced operations at that facility before April 20, 2010 as required by the Agreement and Policy 362. Claimant appears herein pro se, and, as with so many unrepresented entities, neglects to follow the procedural requirement of Exhibit 25 of the Agreement of a supporting memorandum. On this basis alone, the appeal is subject to dismissal; however, in an abundance of caution, this panelist reviewed all materials submitted by Claimant after filing its Notice of appeal, treating them as de facto a global supporting memorandum. These materials include various invoices or sales receipts from providers for Claimant's ██████████ facility, including those from ██████████, ██████████, ██████████, ██████████ and others. All of these (with the sole exception of an invoice totalling \$436.00 for used office furnishings from ██████████) are dated May, 2010. Claimant also submitted a ██████████ hotel receipt dated May 7, 2010; a ██████████ signature card dated May 22, 2010; a ██████████ insurance amended endorsement for its ██████████ location effective May 10, 2010; and a ██████████ Dept. of Revenue report dated Oct. 13, 2010 for the period ending June 30, 2010. It further submitted a confirmation letter with its lessor at the ██████████ facility wherein it represented that "we opened our office on the date the



oil spill began [eg, April 20, 2010]." Indeed, the only items of any assistance to Claimant's cause are a its Dec. 15, 2009 corporate minutes authorizing the finding of a new location in ██████████ to open "before the end of 2009" and the aforesaid ██████ invoice for used furniture. Indeed, the lease for the ██████████ facility on which Claimant relies on its face provides for a commencement date of May 1, 2010. Lastly, as pointed out by BP, Claimant's P&Ls for the ██████████ facility show no entries at all for January through March, 2010, and those in April are for \$0. The Agreement and Policy 362, with which this panelist agrees, require "substantial" expenditures prior the date of the Spill to establish an operating history for a Start-up BEL claim. Finding only a single \$500 monthly lease payment and less than that in used furniture purchases as the only expenditures by Claimant before the Spill simply is not enough to undermine the discretion of the Administrator in denying this claim. The appeal must therefore be denied.