

APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

| | | | |
|----------------------|-------------------------------------|---------------------|------------|
| Claimant Name | Last/Name of Business [REDACTED] | First [REDACTED] | Middle |
| Claimant ID | [REDACTED] | Claim ID | [REDACTED] |
| Claim Type | Business Economic Loss | | |
| Law Firm | [REDACTED] | | |

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 appeals the denial of his BEL claim as a real estate agent. The Administrator found that Claimant had no claim, because he was not operating as an agent at the time of the Spill on April 20, 2010. Claimant points to certain expenses in his P&Ls incurred in 2010 for dues, MLS listings, a lockbox key, and the like. While admitting that he made no revenue whatsoever as a real estate agent in 2010, it is his position that he had been licensed since 2005 and that the expenses shown in 2010 confirm that he was in fact actively working. The record shows no reported income whatsoever by Claimant not only for the entire year of 2010, but also from September 2009 through June of 2011. The fact that Claimant reported certain nominal expenses as a real estate agent in 2010 is just not enough, under this record, to undermine the discretion of the Administrator in denying this claim.