

APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

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

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	\$1,762,240
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$2,161,279.94
	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)*:

See Separate Decision

See unanimous written opinion previously uploaded on portal.

██████████ received a BEL award of \$2,161,279.94 pre-RTP. BP appeals, presenting 3 issues in its Notice of Appeal, including the treatment of payroll, the misclassification of certain expenses and questions relating to an out of zone facility. In its brief, appellant only addressed the payroll issue and added an additional argument that the Program mistakenly characterized “other income” as revenue when it should have been excluded as interest income.

The interest income argument must be considered waived because it was not referenced in the Notice. The contentions relating to the classification of expenses and the out of zone facility must also be considered abandoned since they were not raised in appellant’s brief.

This leaves only BP’s argument regarding the treatment of payroll to deal with in this appeal. BP contends there were distortions in the December 2009 payroll amounts which caused the Settlement Program to improperly apply the AVM methodology. A review of the file reveals the Settlement Program inquired about this issue and received the following description from the claimant: the “explanation for this increase in December is that they have twice the payout in December every year because a lot of their workers take vacation at that time so they have to pay for Paid Time Off plus extra labor to replace those who are on paid time off as well. So the increase in expenses are not Christmas bonuses they are just double expenses for labor “. This explanation was adopted by the Program Accountants as reflected in the Calculation Notes for the file. There is no documentation in the record which contradicts this explanation from claimant.

Accordingly, there is no basis to overturn the decision of the Settlement Program and the appeal of BP is therefore denied.