

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

- Denial Upheld**
- Denial Overturned**
- Remand to Claims Administrator**

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)*:

See reasons for remand submitted to Appeals Coordinator.

Reasons for Remand

Appeal # [REDACTED], [REDACTED]

October 23, 2015

Claimant appeals the denial of its general BEL claim. To better understand the issue presented, a review of the sometimes disputed history of the claim is necessary.

The Claimant originally filed a Start-Up BEL Claim.

The Settlement Program reclassified the claim as a general BEL Claim. The Program contends that this was done at the request of the Claimant. The Claimant denies having made the request. [According to the Program, Claimant stated that the business commenced operations in November 2008 and that it had a full operating history for 2009. Policy 109 provides that if a claimant commences operations on or before January 1, 2009, it may be evaluated as a general BEL claim.]

The Claim was evaluated as a general BEL claim and denied for causation.

Claimant now appeals, arguing that the Settlement Program unilaterally and without consent of Claimant reclassified its Claim from a Start Up to a general BEL claim.

Although the Summary of Review suggests that the Claimant would fail either test – Start Up or general BEL – this Panelist reluctantly remands this matter with the following instructions.

First, the Settlement Program's denial of this Claim based on the criteria set forth for a general BEL claim is confirmed. Any future efforts by Claimant to argue that this Claim should have been processed as a general BEL claim are prohibited and should be summarily denied by the Settlement Program.

Second, the Settlement Program shall process this Claim as a Start Up claim. Claimant shall be provided a reasonable opportunity to provide documentation to support a Start Up claim. [It should be noted that Claimant has previously submitted information that would suggest that Claimant does NOT meet the Start Up criteria. That said, Claimant shall be accorded one last opportunity to meet the Start Up criteria for causation and compensation.]