

## APPEAL PANEL DECISION FORM

### I. CLAIMANT AND CLAIM INFORMATION

<b>Claimant Name</b>	<small>Last/Name of Business</small> ████████████████████	<small>First</small> ██████████	<small>Middle</small> ██████████
<b>Claimant ID</b>	██████████	<b>Claim ID</b>	██████████
<b>Claim Type</b>	Business Economic Loss		
<b>Law Firm</b>	████████████████████		

### 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"/> <b>BP's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$0</b>
	<b>Risk Transfer Premium</b>	<b>.25</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>
<input checked="" type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$90,595.32</b>
	<b>Risk Transfer Premium</b>	<b>.25</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>

### 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 attached opinion uploaded into the portal.

DWH: [REDACTED]

Claim ID: [REDACTED]

Written Reasons and Opinion:

This is a BP appeal from a Business Economic Loss award to the owner of an apartment complex located in [REDACTED] (Zone D). The sole error asserted by BP is that the Claims Administrator erred in utilizing Claimant's profit and loss statements in calculating this award, despite what it perceives to be an unresolved discrepancy between the Claimant's Profit and Loss statements and other, conflicting record evidence.

The discrepancy BP cites has to do with a Claimant revenue entry described as "concessions." BP contends documentation in the record for the month of December, 2010, does not support the amount recorded in that category on Claimant's P&Ls. Further, according to BP, there is an inconsistency between the amount recorded under the heading "[REDACTED] Detail" (which references fair market rent) and the amount Claimant reported for net rent, in that month.

The record reflects that the claims analyst requested further information about:

Rent Concessions and Adjustments – Loss to Lease

and received the following response:

This is a discount to gross potential rent that is used to increase occupancy when necessary by reducing rent for the resident.

Although the analyst was satisfied by this response, BP is not. It asserts that further investigation should have been conducted and requests that the claim be remanded for that purpose. Alternatively, it submits an Initial Proposal of zero dollars.

In response, Claimant notes, first, that its P&Ls do reconcile to its income tax returns and that the discretion exercised by the analyst in accepting its response should not be second guessed. Nevertheless, Claimant attached a copy of its General Ledger which details rent concessions granted to all of its tenants during December, 2010. It also attached its Trial Balance for that month. That detail, asserts Claimant, fully supports its P&Ls. It was also understood and accepted by the claims analyst.

De novo review of the entire record demonstrates that Claimant is correct. The Claims Administrator committed no error in calculating this claim. His determination must be affirmed.

For the foregoing reasons, this BP appeal is rejected and Claimant's Final Proposal is hereby selected.

Decision: October 23, 2015