

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

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	\$0
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$339,446.02
	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):

████████████████████ filed this Business Economic Loss claim under the Settlement Agreement. The Settlement Program awarded \$339,446.02. BP appeals. There is a single controlling issue on appeal: Whether the Settlement Program correctly excluded the revenues and expenses related to Claimant's trucking operations. In turn, the exclusion is legitimate only if the trucking operations are in a "separate and distinct



physical location.... at which it performs or manages its operations.” Settlement Agreement, Ex. 5, at 2. BP notes all operations are performed at the same facility on [REDACTED]. Claimant counters that the trucking business has a separate street address, its own office, its own employees, its own phones, and its own parking. Further, the revenues and expenses of the warehouse are separate, contrary to BP’s assertion. While a close call, the Settlement Program’s determination, on balance, is supported by the record. Therefore, the Settlement Program’s award is the correct award. Claimant has adopted the Settlement Program award and therefore prevails.