

## APPEAL PANEL DECISION FORM

### I. CLAIMANT AND CLAIM INFORMATION

<b>Claimant Name</b>	Last/Name of Business ████████████████████	First ██████████	Middle ██████████
<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>\$214,378.93</b>
	<b>Risk Transfer Premium</b>	.25
	<b>Prior Payment Offset</b>	\$0
<input type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$292,253</b>
	<b>Risk Transfer Premium</b>	.25
	<b>Prior Payment Offset</b>	\$0
<input checked="" type="checkbox"/> <b>Remand to Claims Administrator</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):**

████████████████████ filed this Business Economic Loss claim under the Settlement Agreement. The Settlement Program awarded \$389,975.93. BP appeals. The claim is remanded to the Settlement Program because of an agreed calculation error and because of information Claimant provided in its Final Proposal that must be reviewed by the Settlement Program. On appeal, BP raises two major points of contention: (1) The



Settlement Program treated Rental Expense as variable, instead of fixed; and (2) The Settlement Program failed to investigate discrepancies in Physician's Compensation during the relevant time period. Claimant concedes that Rental Expense is a fixed cost. On remand, the Settlement Program should recalculate based on this. The second point raised by BP may or may not have merit. It is clear from the Accountant's Calculation Notes that the Settlement Program considered Physician's Compensation issues. It is unclear, however, what effect the information provided by Claimant has on the award. For example, BP notes "there is not enough information to come up with an accurate estimate...." BP's Initial Proposal at 3, note 1. The Settlement Program can reconsider, and, if necessary, recalculate while on remand. The case is therefore remanded.