

## 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

**Denial Upheld**

**Denial Overturned**

### 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):**

████████████████████ filed this Business Economic Loss claim under the Settlement Agreement. The Settlement Program denied the claim three times for several reasons. ██████████ appeals ██████████ contends it is not a real estate developer and that the Settlement Program used an improper time period to determine whether it was a real estate developer. ██████████ seeks to exclude any business activity history before the Spill. There is a good reason for this. The history is undeniably that of a real estate developer. Claimant bought a tract of land in 2007 and then developed a residential subdivision in ██████████. In doing so, ██████████ earned millions of dollars from selling lots. In several different months of 2010, it had sales revenues from lots sold in the subdivision. The Settlement Program used the January 1, 2010 to December 31, 2010 time frame to determine whether ██████████'s business activity required the Real Estate Developer classification. This follows Policy 468. ██████████'s claim would fail even in the absence of Policy 468 because it was a Real Estate Developer at every point of 2010 because it had property for sale. The Settlement Program correctly excluded ██████████'s claim.