

## 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>\$62,019.18</b>
	<b>Risk Transfer Premium</b>	.25
	<b>Prior Payment Offset</b>	\$0
<input checked="" type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$65,566.18</b>
	<b>Risk Transfer Premium</b>	.25
	<b>Prior Payment Offset</b>	\$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):**

██████████ brought this Business Economic Loss claim under the Settlement Agreement. The Settlement Program awarded ██████ \$65,566.18, pre-RTP. BP appeals. This is a "baseball" appeal, meaning that the Final Proposal closest to the correct award prevails. ██████'s Final Proposal is the amount of the Settlement Program award while BP's Final Proposal is \$62,019.18. On appeal, BP raises two issues concerning the characterization of expenses as variable or fixed. First, BP complains that ██████'s "Auto & Truck Expense" should have been broken



down into an expense by expense analysis of whether the cost was fixed or variable. The Settlement Program properly characterized the expenses, however, as "Auto Expenses." The Settlement Agreement, at Exhibit 4D, Attachment A, characterized "Auto Expense" as fixed. There is no reason to go further on this issue. The Settlement Program was correct in its characterization. The second error of which BP complains is the Settlement Program's alleged failure to determine whether Claimant's "Outside Services" category includes variable expenses. BP's argument is internally inconsistent however. BP observes, for example, that ██████'s contract labor expense equaled 5.1% of revenue every month. This is obviously consistent with a fixed expense, as the Settlement Program decided, as opposed to variable. The Settlement Program's award is the correct award. As Claimant's Final Proposal is closest, it prevails.