

APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business ██████████	First ██████████	Middle ██████████
Claimant ID	██████████	Claim ID	██████████
Claim Type	Start-Up Business Economic Loss		
Law Firm	██████████		

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):

This is another denial of compensation to a start-up business Claimant under Exhibit 7 of the Settlement Agreement and Policy 362. The Administrator denied the claim for failure of the Claimant to submit documents that proved it had begun operation of the business prior to April 20, 2010. Claimant relies on a single payment of its franchise fee of \$15,000.00 on March 31, 2010 to prove it had incurred substantial costs of a nature indicative of the actual start up of business operations. Policy 362 requires an analysis of the totality of the circumstances and under an analysis of the history of this business, the Claimant fails to convince the Administrator or this panel member. The Claimant did not open the doors of its business until October, 2010. It did not log any customers until August, 2010 and generated its first revenue in October, 2010. Claimant is a spa service business that is a franchise. The Claimant's payment of its franchise fee prior to the deadline is best characterized as a payment that indicates its intent to start a business, but it does not amount to a substantial expense of actually opening its business. That came months later and precludes compensation under the Agreement.