

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	1.50
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$55,682.75
	Risk Transfer Premium	1.50
	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):

Claimant owns commercial rental property in ██████████ (Zone A) and received a pre-RTP award of \$55,682.75 in its BEL Claim. BP appeals. The thrust of BP's argument on appeal is that the Settlement Program failed to resolve inconsistencies in Claimant's financial information, pointing out that the revenue reported on the claimant's tax returns differs from its bank statements, which differ from the sales and use tax returns which, in turn, differ from the P&Ls. BP suggests that all of this supports a remand for still more investigation



or, alternatively, an award of \$0. To say that this claim was complicated would be an understatement. The award follows extensive involvement by Program accountants who, pursuant to the discretion provided by Policy 274, requested additional information on multiple occasions and which was supplied by the claimant. Indeed, the Calculation Notes reflect that "the latest set [of P&Ls] is the result of a long line of Deepwater Horizon Claims Center requests and are the correct profit and loss statements to use for this claim." While the revenues do differ, Claimant notes that the revenue used by the Program is actually lower than any reported by the claimant. Neither the Settlement Agreement nor DHECC policies require the Program to request additional financial information, but do permit the discretion to do so if the accountants, in their judgment, feel it necessary. Such was the case here. After a full review of the record, it is this panelist's opinion that the discrepancies were adequately investigated and that the award to the claimant is supported. There is no support in the record for BP's final proposal of \$0, nor is remand appropriate in this claim. Accordingly, in this baseball appeal, Claimant's final proposal is the correct result. BP's appeal is denied.