



**APPEAL PANEL DECISION FORM**

**I. CLAIMANT AND CLAIM INFORMATION**

<b>Claimant Name</b>	Last/Name of Business	First	Middle
	[REDACTED]		
<b>Claimant ID</b>	[REDACTED]	<b>Claim ID</b>	[REDACTED]
<b>Claim Type</b>	Business Economic Loss		
<b>Law Firm</b>	[REDACTED]		

**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>\$96,864</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>\$105,317.59</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):**

Decision comment uploaded

[REDACTED]

**Claim ID No.** [REDACTED]

Claimant [REDACTED] located in [REDACTED] provides landscaping services. The Settlement Program awarded Claimant \$105,317.59 pre-RTP. BP appeals, asserting that the Settlement Program misclassified Claimant's 2010 "meals" expense as a variable cost when the record shows Claimant used this line item to record its advertising expense, a fixed cost under Exhibit 4D of the Settlement Agreement. BP urges the Appeal Panel to find that Claimant's "meals" account, a variable expense, be reclassified as "Advertising," a fixed expense. BP looks to Claimant's Federal Income Tax return, which conflates "advertising & business promotion" into simply "advertising."

The Settlement Program accountants were correct. The "meals" were recorded in the P&Ls as such, however, apparently as a component of "business promotion," were combined with "advertising" into one account for Federal Income Tax purposes. Given the breakout of these two items in the P&Ls, one variable and one fixed, the Program Accountants correctly treated them independently. The "meals" reported on the Claimant's 2010 P&L was for meals purchased by the claimant and were accurately treated as a variable expense by Settlement Program. Simply because the Claimant's tax preparer decided to report the "meals" expense as part of "advertising" on the income tax return does not change the fact that the meals purchased by the claimant were accurately reported on the claimant's 2010 P&L and properly classified as a variable cost by the Settlement Program.

Treating "meals" expense as a fixed cost would not comply with the terms of the Settlement Agreement. Accordingly, the Claimant's Final Proposal, reflecting the Award of the Claims Administrator, is hereby selected.