

**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)*:

Claimant appeals his thrice-denied BEL claim as the owner of two rental properties located in Zone C. The basis of denial was Claimant's failure to submit documentation sufficient to meet any of the causation formulae contained in Exhibit 4B of the Settlement Agreement. In a very brief pro se memorandum, Claimant asserts that due to the economic conditions after the Spill, he was unable to secure leases for the two properties. The loss of rental income resulted in his inability to make mortgage payments and ultimately in the foreclosure of the properties. He concludes his memorandum by stating that "if you remove the time gap," he would be able to meet the V-shaped pattern prescribed by Exhibit 4B. The problem with Claimant's argument is that "the time gap" eliminates his eligibility, since as a panel we are restricted and bound to the specific causation tests contained in Exhibit 4B for the Zone C BEL claimants. This record contains no basis by which Claimant meets either of the five enumerated causation tests in Exhibit 4B. The closest he comes is in the Decline-only test, but even as to this test Claimant has submitted no objective third-party documentation identifying factors outside his control that prevented his recovery of revenues in 2011. The appeal must therefore be denied.