

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

Denial Upheld

Denial Overturned

Remand to Claims Administrator

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 is a lessor of real property. This claim involves Claimants building located at ██████████ ("the Facility"), which is in Zone B. (Claimant initially contended the the Facility was in Zone A but conceded in its Reply Brief that it was mistaken). The claim was denied with the Settlement Program stating: "We cannot allow your claim for the reason that we are unable to determine causation and/or calculate a compensation amount under the BEL frameworks because you are not doing business or operating in the Gulf Coast Areas or Specified Gulf Waters at the time of the Oil Spill, April 20, 2010." The Facility was leased from May 2004 through July 2009, immediately after which it was placed on the rental market. The Facility was then rented from July 2010 through January 2011, after which time it was again placed on the market. Claimant continued to incur expenses, but no revenues, when the Facility was not rented. Expenses such as mowing was required so the property would look attractive to prospective tenants. Because the Facility was at all times either rented, or available for rent, and was incurring expenses during the Benchmark and Compensation Periods, it was operating and doing business for the purposes of the Settlement Agreement. It is irrelevant that Claimant did not have a lease in place during the time of the Spill. Because Claimant was operating the Facility prior to



the Spill and after the Spill, never shutting down its operations, Claimant is entitled to have its claim review under the causation test in Exhibit 4B. If Claimant satisfies the objective requirements of the causation test, the losses that Claimant incurred are presumed to have been caused by the Spill. Policy 308 v.2 provides that no further analysis is to be undertaken when the objective requirements are satisfied. This claim is remanded to be examined under the causation test in Exhibit 4B.