

## 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, the lessor of commercial property located in ██████████, appeals the denial of its general BEL claim on the basis the Settlement Program (SP) was "unable to determine causation and/or calculate a compensation amount under the BEL frameworks because [Claimant] was not doing business or operating in Gulf Coast Areas or Specified Gulf Coast Waters at the time of the Oil Spill." The Post Re-Review and Post-Reconsideration Denial notices recited the same reasons. In the calendar year 2010 claimant recorded no revenue and this lack of lease income was the apparent basis for denial of the claim. BP responds the SP "correctly found" claimant was not doing business or operating in 2010 because it produced zero revenues in 2010 and incurred only minimal expenses associated with its business operation. BP adds that claimant failed to file its required Annual Report with the State of ██████████ and had its LLC status revoked. A review of the record discloses claimant was formed and began doing business in ██████████ in 2007. In 2008 claimant earned approximately \$99,000 in lease income and in 2009 the sum of \$28,000. Claimant asserts after the spill it continued to operate and to seek tenants but to no avail. It further asserts it failed to file its Annual Report through a clerical oversight but had its business status reactivated with the State of ██████████ in 2011. Lastly, claimant asserts it is a zone A business and as such entitled to presumptive causation. (Ostensibly this issue is implicated by the vague reference to causation in the denial notice. The principal issue here however is whether



claimant is an eligible claimant under the BEL framework.) A review of the record also shows that on claimant's 2010 federal tax return claimant reported \$56,925 in expenses associated with its rental property (such as CAM costs, ground maintenance costs, insurance, property taxes, utilities and professional fees) compared to the sum of \$64,000 reported for the year 2009 when claimant was more productive. While there is not that quantum of corroborative proof showing attempts to garner new tenants as there was in a similar panel decision (claim number [REDACTED]) the totality of circumstances evince claimant was doing business in the affected zone on April 20, 2010. Accordingly, the decision of the Claims Administrator is vacated and set aside and remanded for further evaluation of the claim.