



**APPEAL PANEL DECISION FORM**

**I. CLAIMANT AND CLAIM INFORMATION**

<b>Claimant Name</b>	Last/Name of Business [REDACTED]	First [REDACTED]	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 checked="" type="checkbox"/> <b>BP's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$(1,619.30)</b>
	<b>Risk Transfer Premium</b>	<b>2.50</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>
<input type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$2,621</b>
	<b>Risk Transfer Premium</b>	<b>2.50</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>

**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):**

Reasons uploaded

Claimant: [REDACTED]  
Claim ID: [REDACTED]

The Settlement Program reviewed this BEL claim twice and on both occasions determined that Claimant earned a negative Compensation Amount. Claimant appeals.

Despite being represented by counsel, Claimant has filed no memoranda in support of its position. The only indication of the basis for Claimant's appeal comes from the Claimant Comment section of the Notice of Claimant Appeal of Eligible Claim where Claimant states:

In reviewing the post reconsideration eligibility notice it appears that:

- 1) D. Step 2 Net Compensation, the 2009 only benchmark period for variable expenses (b) is incorrect, and
- 2) E. In Step 2 Compensation Calculation, the variable margin % (e) is incorrect.

The accountant for the DWHCC has included profit/excess as payments to the owner as a variable expense which is not correct. Therefore we request a call with the DWHCC accountants to review the amounts together to ensure the correct expenses are included in the variable margin calculations.

This panelist has reviewed the record in this matter which includes an Excel spreadsheet prepared by Claimant to support its appeal. The records reflect that the Settlement Program properly calculated Claimant's award which reflects a negative result. Claimant's appeal is without merit.