

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

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"/> BP's Final Proposal	Compensation Amount	\$68,689
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$137,863.17
	Risk Transfer Premium	.25
	Prior Payment Offset	\$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):

BP appeals the BEL award to a multi-facility claimant, a general parts distributor in ██████████. BP asserts the Settlement Program(SP) wrongfully excluded the entry styled "Inventory/Transfer Out" from the compensation calculation which inflated the award by the approximate sum of \$69,000. The eligibility notice that issued acknowledged the claim was not sufficiently matched and used the AVM methodology to calculate the award. BP argues the failure of the SP to treat this entry as an expense skewed the award because the SP



"attributed costs of products to store locations that ultimately did not record the expense received from those products." BP further submits that "because claimant records purchases as they occur (and does not track inventory) this line item should have been included in the compensation calculation to accurately reflect claimant's expenses..." A review of the record discloses the SP in the Calculation Notes excluded this entry from the award calculation as a non-applicable item. Claimant argues this decision reflects a correct application of existing policies by which revenues from a related party are excluded from revenue computations and by implication expenses of a similar nature should be as well. Without reaching this contention this panelist concludes the appeal of BP fails for two other reasons. First, claimant's federal tax returns, schedule L, reveal claimant recorded its inventory costs and kept track of inventory contrary to BP's broad assertions. Secondly, the argument of BP is premised on supposition and lacks specific support in the record. There are no instances cited of inter-store transfers of inventory to or from claimant's store that somehow distorted or flawed this award. That this practice occurred in a general systemic way is not sufficient if it cannot be shown and causally related to this claimant's operations. Beyond that failure BP has also failed to demonstrate why this award is subject to a \$69,000 reduction and its basis. There is no error. Remand is not warranted. Accordingly, the award is affirmed and the appeal of BP is denied.