

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	\$0
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$125,887.31
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> 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.

- Error in documentation review.**
- Error in calculation.**
- Error in RTP multiplier.**
- Error in Prior Spill-Related Payment Amount.**
- No error.**

Comment (optional):

██████████ filed this Business Economic Loss claim under the Settlement Agreement. The Settlement Program awarded ██████████ \$91,389.95. Both ██████████ and BP appeal. On appeal, ██████████ contends it is entitled to a higher award of \$125,887.31 because the Claims Administrator applied Policy 495 to the claim. ██████████ attempts to limit the basis for application of Policy 495 to the 2009 Benchmark Period.



However, this is not the only factor triggering application of Policy 495. As the Claims Administrator's accountants note, "We have reviewed the Reconsideration Request regarding the application of Policy 495; however, ... the Claimant's revenues and expenses appear to be insufficiently matched... as well as other significant indicia that the claim may not be sufficiently matched." Calculation Notes, at n.18. It is also disconcerting to note that despite questions raised by the Claims Administrator's staff, a full explanation for discrepancies between financial reports only comes in [REDACTED]'s Final Memorandum on appeal. There is therefore ample support for the Claims Administrator's decision to apply Policy 495. The issue then turns to whether the new information provided necessitates a remand for further evaluation and calculations or whether the record is sufficient to reach a determination of this "baseball" appeal. Given the new information, a remand is proper as the information may have led to a calculation error. While the calculation aspect is remanded, the Claims Administrator's decision to apply Policy 495 is affirmed.