



APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business [REDACTED]	First [REDACTED]	Middle [REDACTED]
Claimant ID	[REDACTED]	Claim ID	[REDACTED]
Claim Type	Business Economic Loss		
Law Firm	[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"/> BP's Final Proposal	Compensation Amount	\$25,069.22
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$25,069.22
	Risk Transfer Premium	1.50
	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):

The issue in this otherwise routine BEL claim is the Claims Administrator's determination that this dental clinic should be included in Zone A. The Administrator originally assigned Zone C which is the physical location of Claimant's business. On post-re-review, the Administrator determined that the Claimant should be classified in Zone A. BP appeals.

There is no dispute that Claimant's business is located on [REDACTED] Road in [REDACTED]. [REDACTED] Road is a north-south surface road that originates in Zone A and continues through Zone C to the north. The dividing line of Zones A and C is the [REDACTED] Railroad which intersects [REDACTED] Road immediately south of the Claimant's location. BP argues that the Administrator erroneously classified the Claimant in Zone A because none of the zone extender rules in Exhibit 1C apply to the Claimant's location. On post-re-review, Claimant successfully argued that [REDACTED] Road borders on two different zones thereby entitling it to be deemed within the more preferential zone. On appeal, Claimant expands this argument to include the [REDACTED] Railroad that forms the border of Zones A and C. Claimant argues that railroads should be treated in the same fashion as surface roads under Exhibit 1C §1.1. Because its parcel abuts the railroad, Claimant urges here that it is entitled to be classified in the more preferential zone.

Because Claimant's business is physically located in Zone C, it may only be deemed to be a Zone A business if it meets one or more of the zone extender rules in Exhibit 1C. For surface roads, these exceptions, for the most part, envision a roadway that forms the dividing line between two zones. Thus, for example, parcels that are accessible by driveway, parking lot or that have a street address may be included in the more preferential parcel. Here, the surface road extender rule is inapplicable for at least two reasons. First, [REDACTED] Road runs north and south and does *not* form the border between Zones A and C. Second, the boundary of those zones is the [REDACTED] Railroad.

The Settlement Agreement makes no reference to railroads and there is no zone extender exception in Exhibit 1C relative to the [REDACTED] Railroad. Although Claimant argues that a railroad is analogous to a surface road, this argument urges an interpretation of the Settlement Agreement that is not supported by its clear language.

For the forgoing reasons, the zone determination is overturned. BP's Final Proposal, which incorporates a Zone C RTP of .25, is the correct result.