

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	1.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$79,552.20
	Risk Transfer Premium	1.25
	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)*:

This Claimant operates a single lugger type push boat named the ██████████. It derives all its revenue through a related party, ██████████, which acts as a broker between the Claimant and its customers. ██████████ did not file a claim due to probable moratoria losses. BP appeals the Administrator's award pointing to the related party transactions and potential moratoria losses. BP makes much ado about Claimant not answering Question 10 on the BEL claim form which asks if the business did significant services, goods or services in the



offshore oil and gas industry in 2009. A review of the records proves that Claimant did not answer that question. However, an in depth review of the records shows why. This Claimant does not operate in the Gulf of Mexico. It performs its services only on inland waterways consistent with NAICS code 483211; transport of cargo on lakes, rivers and intercoastal waterways and thus did not provide Question 10 type services in the Gulf. Section 38.93 of the Settlement Agreement requires a moratoria review only for losses related to "offshore oil industry activity". The Claimant did not have to answer Question 10 due to its NAICS code not being listed in Exhibit 19. As for the related party issue, Accountant Note #8 shows the Accounting Review Team determined that while the revenue of the Claimant comes from a related party, it originates from a non related third party and is simply a pass thru. BP appeal issues created an appearance of being credible but a careful review of the documents prove to be "much ado about nothing". The award is affirmed.