

APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business ██████████	First ██████████	Middle ██████████
Claimant ID	██████████	Claim ID	██████████
Claim Type	Start-Up Business Economic Loss		
Law Firm	██		

II. DECISION

Denial Upheld

Denial Overturned

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.

- Claim should have been excluded.**
- Claim should have been denied.**
- Claim should not have been excluded.**
- Claim should not have been denied.**
- No error.**

Comment *(optional)*:

Claimant is a residential/commercial lawn maintenance and landscaping business located in ██████████ area. The Administrator denied the Start-Up Business Economic Loss claim stating it was not in business prior to April 20, 2010. Under the totality of the circumstances test of Policy 362 v 2, there appears to be sufficient indicia of this Claimant actually being in business in 2009. For example: its business license was taken out in 2009; its business cards were printed and delivered in 2009; uniforms for employees were ordered and delivered in 2009; business insurance was purchased in 2009; evidence of contracts that were cancelled were submitted. Two issues have caused the Administrator concern; the revenues were co-mingled with the owners' private bank accounts; and the owner submitted a letter to the GCCF that stated she started the business in 2010. The Claimant's attorney explains that what she meant was she opened separate accounts for the business and treated it as a separate entity in 2010. Whatever. What counts are all the indicia of actually operating the business prior to April, 2010. That the Claimant has proven to the satisfaction of this panel member. The claim is returned to the Administrator with directions to calculate the award.