

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 checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$89,663.20
	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):

Claimant is a lumber reseller located in ██████████, Zone D. The Policy 495 criteria were triggered and the AVM was utilized to restate Claimant's P/Ls. This claim was initially denied for failure of thee Claimant to submit specific documentation identifying factors that prevented the Claimant from recovering its revenue loss in 2011 as required by Exhibit 4B, Section III. C. Upon request for reconsideration and submission of two



affidavits related to the causation of the losses and Claimant's inability to recover revenue by 2011, the Administrator made an award. BP concedes that Claimant has met the downturn revenue pattern prerequisite set out in Exhibit 4B, but questions the sufficiency of the submitted affidavits. A review of the Accountants Notes reveals the SP was satisfied that the Claimant had submitted adequate proof of a decline of greater than 10% of total revenue from customers located in Zones A-C. The missing proof was why Claimant had been unable to recover lost revenues by 2011. Counsel for Claimant submitted two affidavits in an effort to satisfy the Vendor Accountants. The first, from the General Manager of the Claimant, does not meet the requirements of Policy 474 and fails because such proof cannot come from the Claimant, its accountant or attorney and must be from objective, third parties. The second affidavit submitted is a different matter. This affidavit is from the CEO of [REDACTED], a major customer of the Claimant located in [REDACTED]. In that affidavit, the customer explains the drop off in its own business following the spill did not recover for a substantial period of time and it therefore reduced its orders from its suppliers such as the Claimant. This single customer amounted to 17% of the Claimant's revenue in any given year. This affidavit satisfied the Administrator and satisfies this panel member. The award is affirmed.