

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):

This appeal proves once again how close the calls are in the Start-Up Business Economic Loss framework. The Claimant operates two retail gift shops in the new ██████████ which opened on May 22, 2010. Claimant, under an INC entity of the same name, operated a gift shop in the former airport, ██████████ Airport. That shop had sales revenue in March-April 2010, which, while not determinative to this LLC entity, at least shows the owner of both had the prior experience to operate the two shops at issue here. The fact a lease was executed for the space at the new airport on March 11, 2010 to begin on May 1, 2010 also shows Claimant's intent to open these stores and finally, the incurring of expenses related to shelving and fixtures which were ordered before April 20, 2010 satisfy the Policy 362 requirements of the totality of the circumstances indicating the actual start-up of the business. Revenues are not required in these cases, just substantial expense be incurred to show intent to actually start the business. Under the Claimant friendly approach to these cases required by the Settlement Agreement, the Administrator should have calculated an award and is hereby directed to do so.