

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):

Reasons uploaded

CLAIMANT: [REDACTED]
CLAIM ID: [REDACTED]

This is a Start-Up Business Economic Loss Claim. The Claims Administrator (CA) denied the claim, finding that under the terms of the Settlement Agreement and Policy 362 v.2 the Claimant did not establish an operating history before April 20, 2010. Claimant appeals that denial.

[REDACTED] was incorporated in December 2008 by [REDACTED]. Mr. [REDACTED] parents' owned [REDACTED], another charter bus service. In 2008 and 2009 Claimant negotiated to buy the parents' charter bus company. When those efforts failed, the Claimant was basically dormant until 2010. In fact, the Profit and Loss Statement submitted by Claimant show no significant activity until May 2010. Further, with the assistance of counsel, Claimant stated on its Start-Up Business Economic Loss Claim Form, under penalty of perjury, that its business commenced operations on May 19, 2010.

Policy 362 v.2 requires the reviewer to look at the "totality of the circumstances involving the Claimant's business....". After conducting such a review, this Panelist is satisfied that Claimant's business operations commenced after April 20, 2010. Accordingly, per the terms of the settlement Agreement, the CA properly denied this claim.