

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 checked="" type="checkbox"/> BP's Final Proposal	Compensation Amount	\$(19,740.75)
	Risk Transfer Premium	1.25
	Prior Payment Offset	\$0
<input type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$50,000
	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):

Claimant ██████████ a ██████████, wholesaler of welding equipment and supplies, appeals the negative \$19,740.75 Compensation Amount set by the Settlement Program ("the SP") for ██████████'s BEL claim, resulting in an award amount of "\$0.00." Originally, on September 24, 2013, the SP issued an Eligibility Notice awarding ██████████ a Compensation Award in the positive amount of \$150,863.21 and a post-RTP Award amount of \$339,442.22. Before that award was finalized, however, Policy 495 was adopted and the



claim was returned to the SP for re-review. "Matching" issues were identified upon application of Policy 495 and the claim was processed under the Annual Variable Margin methodology. The SP had communications with ██████'s CPA and received documents from its counsel. ██████ asserts as its ground for appeal that "Policy 495 should not have been applied to the claim based on the additional information provided at the request of the accountant reviewer." Unfortunately for the process, ██████, although represented by counsel, has filed no explanatory memoranda or briefs in support of that contention as part of this appeal. Rather, it has only submitted an Initial Proposal amount and Final Proposal amount of \$50,000, without any accompanying argument or analysis. Supporting memoranda are not required under the Rules Governing the Appeals Process, but BP has exercised its right under the Rules to submit a detailed memorandum as part of its Initial Proposal, and its stands un rebutted by any post-appeal submission by ██████. As part of his de novo review, the panelist has read ██████'s pre-appeal submissions, including its January 19, 2015 "Request for Reconsideration." ██████'s argument there is that Policy 495 was improperly applied to the claim because the SP failed to address and adjust a \$444,766.82 COGS entry ██████ made for September 2009. BP counters in its Initial Proposal to point to portions of the record, including the SP's "Reconsideration Analysis" included in the August 13, 2015 "Post-Reconsideration Eligibility Notice," that reflect the SP's consideration of evidence and argument in that regard, and its professional judgment determination that no adjustment was necessary. ██████ did not argue in his Request for Reconsideration that the SP misapplied Policy 495 or the AVM in any other respect. BP also points out in its Initial Proposal why, even if the SP had made the adjustment of the September 2009 COGS figure for which ██████ argues, the result in the award would have been the same. Relying on what's before him, the panelist does not find ██████'s ground of appeal to be valid. It nowhere explains the basis for its Initial and Final Proposal amounts of \$50,000. Under the circumstances, and the controlling Baseball Process, BP's Final Proposal of negative \$19,740.75, which is the Compensation Amount determined by the Settlement Program, to be the substantiated amount. Appeal denied.