

APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	<small>Last/Name of Business</small> [REDACTED]	<small>First</small>	<small>Middle</small>
Claimant ID	[REDACTED]	Claim ID	[REDACTED]
Claim Type	Business Economic Loss		
Law Firm	[REDACTED]		

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	\$84,767
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$109,696.88
	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)*:

BP appeals a BEL award of \$109,696.88 pre-RTP to a [REDACTED] boat dealer and servicer on the grounds that the Program accountants erred in improperly adjusting Claimant's COGS. Specifically, BP argues, and the Contact Notes confirm, that the vendors inquired about certain negative entries in Claimant's March, 2010 P&Ls in the category of "6403-Customer RO COS." The response by Claimant to the vendors was that this was done to offset a QuickBooks error. BP avers that the vendors then proceeded to make an adjustment for March of



2010, but failed to account for Claimant's own independent correction of the same issue in the Dec. 2010 entries, thus in essence doubling the correction. BP notes that had the double correction not occurred, the award would have a value of \$84,767.00 pre-RTP, which is its final proposal. Claimant's counsel argues that Policy 495 was properly used in correcting the error, and urges that the panel defer to the discretion of the Program vendors, proposing the affirmation of the entire award. After a de novo review, this panelist sought assistance on this issue by way of a Summary of Review which was promptly provided. Therein, the Administrator stated in pertinent part : "Program accountants inadvertently created an adjustment to the account entitled '6043-Customer RO COS' based on the Claimant's statement that a QhickBooks error had occurred. The adjustment caused COGS to be overstated. Using the Claimant's P&Ls as presented, the revised pre-RTP award is \$84,766.96." Based upon this response, it is obvious that in this baseball appeal, BP's final proposal, which almost to the cent conforms to the revised computation by the Program vendors, must be chosen.