

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

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	\$5,022.35
	Risk Transfer Premium	2.50
	Prior Payment Offset	\$0
<input type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$16,025.06
	Risk Transfer Premium	2.50
	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 condominium lessor in ██████████, appeals the sufficiency of his BEL award contending the Settlement Program (SP) wrongfully applied policy 495 and erroneously adjusted a portion of claimant's revenues in several months of 2011 and 2012. Claimant first asserts the determination of the SP that the claim was not sufficiently matched resulted from the mechanical application of policy 495 and use of its triggering criteria without any accompanying analysis and exercise of professional judgment contemplated by



it. A review of the record including the calculation notes identifies which criteria were triggered, the several reasons for adjustments to revenues and expenses and comments explaining such adjustments. These reasons and conclusions cited are sufficient display to satisfy the requirements of policy 495 and consistent with application of the AVM methodology for business claims such as this one with a short revenue cycle. Finally claimant argues that the SP, in reallocating revenues for the months of October 2011 and April 2012 and the use of pro-rated data, omitted certain components of revenue that flawed the award calculation. Claimant thus seeks in his final proposal the sum, pre-RTP, of \$16,025.06, which was an earlier evaluation of the claim by the SP on September 6, 2013, but not entered (the SP subsequently adjusted revenues and pro-rated them following court-ordered stay resulting in an amended eligibility notice and award of \$5,022.35, issued on August 17, 2015, from which this appeal ensues.). Notwithstanding the sum of \$16,025.06 sought in the final proposal, claimant in his final supporting memorandum concludes the aforementioned accounting oversights, if corrected, result in a compensation amount of \$8,547.92, pre-RTP, instead of \$16,025.06. Having considered all of this conflicting data, this panelist concludes in this baseball process appeal that the record more closely supports and favors the final proposal of BP. For example claimant's revised award is premised on expansion of the compensation period to include the month of April 2012 when there is no basis in fact to support this contention in light of the prior approval of revenue adjustments made by program accountants. Accordingly, the final proposal of BP is selected and the appeal of claimant is denied.