

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 type="checkbox"/> BP's Final Proposal	Compensation Amount	\$0
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input checked="" type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$448,402.93
	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 the BEL award to claimant, an automobile dealer in ██████████. BP asserts the Settlement Program (SP) wrongfully determined claimant satisfied the causation requirements of Exhibit 4B of the Settlement Agreement; and that the SP classified incorrectly certain expenses as fixed. First BP argues claimant did not satisfy the V-Shaped Revenue Pattern Test because claimant's revenue decline between October and December 2009 and 2010 was only 14.9957% and not 15% or more. BP further argues that the SP did not



determine whether claimant satisfied any of the other causation tests of Exhibit 4B. A review of the record discloses BP's argument is premised on revenue figures and calculations submitted by claimant's accountants. The controlling figures and adjusted calculations are contained in the analysis conducted by the SP accountants in the causation statement under the Current/Last Review section of this claim. The relevant revenue figures used therein for the period October-December 2009 and 2010 yield a revenue decline of slightly over 15%. There is also a secondary analysis that claimant passed the Modified V-Shaped Revenue Pattern Test for that same period. BP's remaining contention focuses on the misclassification of vehicle expenses, referral fees, kitchen expenses and administrative costs as fixed expenses. BP posits these expenses should have been classified as variable which, if done, would reduce claimant's award by the sum of nearly \$20,000, pre-RTP. Assuming arguendo this contention is correct, this panelist must also consider the final proposal of zero dollars submitted by BP. In the baseball process that governs the outcome of this appeal the final proposal of claimant prevails over that of BP and thus further analysis of the expense issue is deemed unnecessary. Accordingly the appeal of BP is denied.