

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	\$32,238
	Risk Transfer Premium	.25
	Prior Payment Offset	\$0
<input type="checkbox"/> Claimant's Final Proposal	Compensation Amount	\$38,182.26
	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)*:

Claimant is a lessor of commercial real estate. BP appeals the treatment of CAM (common area maintenance) as revenue. Policy 328 v 2 and a recent District Court decision hold that such costs are actually an expense reimbursement pass through that are to be excluded from revenue. Claimant points to its lease agreement with its tenants that refers to these costs as "additional rent". However, a careful review of the type of costs contained in the additional rents designation are such items as lawn care and landscaping, clearly not revenue



items, rather expense items being reimbursed. As we have stated many times, Abe Lincoln would not permit calling a cow's tail a leg. The award is affirmed.