APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

	Last/Name of Business	First	Middle
Claimant Name	██████████████████		

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.

☐ **BP's Final Proposal**	**Compensation Amount**	$239,664
	Risk Transfer Premium	.25
	Prior Payment Offset	$0
☒ **Claimant's Final Proposal**	**Compensation Amount**	$250,455.84
	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)*:

See reasons submitted to Appeals Coordinator.

Reasons for Decision
Appeal # ███████████████████
November 25, 2015

BP appeals this BEL award on the grounds that the Settlement Program did not properly investigate spikes in Claimant's revenue.

Based on a review of the record, it appears that the following analysis occurred: First, a number of minor adjustments were made to the P&Ls which might be considered "errors" under Policy 495. Second, the "seven criteria" were applied to the P&Ls. Criteria # 2 was triggered. Criteria #2 is triggered when "total revenue recorded in any month . . . exceeds 20% of the claimant's annual revenue for the year which includes that month." Specifically, Claimant's October 2008 revenue exceeded 20% of Claimant's 2008 annual revenue.

Based on this trigger, the Settlement Program looked into this spike in the October 2008 revenue. The Settlement Program concluded that the spike corresponded with an increase in variable expenses. Satisfied that the P&Ls were "sufficiently matched," the Settlement Program declined to apply the AVM methodology and instead processed the Claim using the standard BEL methodology.

Based on the above, it's apparent that this Claim was analyzed in accordance with Policy 495. The Settlement Program is has broad discretion in determining when a claim is sufficiently matched. That discretion was not abused in this matter.

Claimant's Final Proposal is adopted.