

APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business [REDACTED]	First [REDACTED]	Middle [REDACTED]
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 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	\$62,043.44
	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 this award in favor of [REDACTED], arguing that claimant should have been excluded as a Real Estate Developer. Appellant points to the claimant's website which makes numerous references to the company's development services. Claimant counters that it is a consultant to the real estate industry and mere involvement in real estate activity is not enough to trigger the exclusion. Additionally, [REDACTED] states that "none of the locations referenced on claimant's website that BP relied on were



developed in 2010". It is this last point which is most compelling. It is not clear, based on the evidence in the record, whether claimant ever acted as a real estate developer. However, a review of claimant's financials demonstrates that the company's revenues in 2010 came from management fees and not from any activity which could have been considered real estate development. This is the key period in the inquiry. As Policy 468 sets forth, an entity must have sufficiently engaged in real estate development activity during 2010 to be subject to the exclusion. One of the most important indicia of development activity is when there is revenue from real property sales on 2010 tax returns which is classified as ordinary income. This scenario is not present in the immediate case. Accordingly, BP's appeal is dismissed and the award by the Settlement Program is affirmed.