

**APPEAL PANEL DECISION FORM**

**I. CLAIMANT AND CLAIM INFORMATION**

<b>Claimant Name</b>	Last/Name of Business ██████████	First	Middle
<b>Claimant ID</b>	██████████	<b>Claim ID</b>	██████████
<b>Claim Type</b>	Failed Business Economic Loss		
<b>Law Firm</b>	██████████		

**II. DECISION**

**Denial Upheld**

**Denial Overturned**

**Remand to Claims Administrator**

**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.

**Claim should have been excluded.**

**Claim should have been denied.**

**Claim should not have been excluded.**

**Claim should not have been denied.**

**No error.**

**Comment (optional):**

Claimant is a travel agency located in ██████████, whose Failed BEL claim was denied on the basis that Claimant is a Zone D business that does not satisfy the "Tourism" definition. Exhibit 6 provides that if a Failed Business is located in Zone D and does not satisfy the "Tourism" definition the business is not entitled to compensation. BP argues that the deision of the Settlement Program should be upheld because travel agencies are not included in the NAICS codes which qualify a claimant for inclusion in the "Tourism" category, and the Claimant does not focus primarily on Gulf Coast regional travel. However, Policy 289 v.2 defines "Tourism" as a "business which provides services such a attracting, transporting, accomodating or catering to the needs and wants of persons traveling to, or staying in, places outside their home community." The NAICS list of codes that qualify a claimant for inclusion in the "Tourism" category is illustrative, not exclusive. Claimants may still be considered to fall within the "Tourism" definition if the Claims Administrator determines in his discretion that the claimant's business meets the definition outlined in Policy 289 v2. The proposition that "Tourism" is somehow specific to Gulf Coast tourism is not supported by the Settlement Agreement or related policies. There is no mention of geographic location in Exhibit 2 or Policy 289. Thus, there is no requirement that for Claimant to



qualify for a "Tourism" designation it must focus primarily on Gulf Coast regional travel. An examination of the record reveals that Claimant qualifies for a "Tourism" designation, and this claim is remanded to the Claims Administrator to be processed under the Failed BEL framework as Claimant does meet the "Tourism" definition..