

## APPEAL PANEL DECISION FORM

### I. CLAIMANT AND CLAIM INFORMATION

<b>Claimant Name</b>	Last/Name of Business [REDACTED]	First [REDACTED]	Middle
<b>Claimant ID</b>	[REDACTED]	<b>Claim ID</b>	[REDACTED]
<b>Claim Type</b>	Subsistence		
<b>Law Firm</b>	[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 checked="" type="checkbox"/> <b>BP's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$1,322.76</b>
	<b>Risk Transfer Premium</b>	<b>2.25</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>
<input type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$3,126.53</b>
	<b>Risk Transfer Premium</b>	<b>2.25</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>

### 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)*:

written reasons uploaded

CLAIMANT: [REDACTED]

CLAIM ID: [REDACTED]

This appeal involves a Subsistence Claim filed by a [REDACTED] resident. Claimant filed this appeal.

The history of this Claim supports the old axiom: "Quit while you're ahead!".

The Claims Administrator (CA) originally issued an Eligibility Notice on January 30, 2015 awarding Claimant the sum of \$1,348.70 (pre - 2.25 RTP). The total award was \$4,383.27. On February 2, 2015 Claimant requested re-review, asserting that his fishing grounds were closed for longer than the 51 day period applied by the CA in determining his original reward.

The CA reviewed the matter and determined that the Claimant's fishing grounds were closed from May 2, 2010 to August 27, 2010 (a total of 118 days). On February 18, 2015 the CA (apparently agreeing with Claimant) issued a Post-Re-Review Eligibility Notice awarding the Claimant the sum of \$3,126.53 (pre - 2.25 RTP) for a total award of \$10,161.22. Not satisfied with that award, the Claimant requested reconsideration by the CA. Claimant there asserted that the areas he fished were closed from April 20, 2010 to December 31, 2011.

The CA again reviewed the record of this matter. After this last review, the CA determined that the Claimant was impaired from his fishing grounds until August 6, 2010 (a period of 50 days). The CA issued a Post-Re-Review Eligibility Notice awarding Claimant the sum of \$1,322.76 (pre - 2.25 RTP). The award totaled \$4,298.98.

Claimant's counsel, in the memorandum supporting Claimant's Final Proposal states the following:

"Nearly eight months after requesting reconsideration of this decision, Mr. [REDACTED] received the Post-Reconsideration Eligibility Notice. After submitting to Mr. [REDACTED] potentially false and certainly misleading language about the sufficiency of his documentation, the claims reviewers rejected this same documentation and reduced his award amount by nearly 60%. Mr. [REDACTED]'s only recourse now is to wager a portion of his lowered settlement proceeds to attempt to receive a fair evaluation of his claim.

Mr. [REDACTED] has not been given any explanation as to why the claims reviewers "changed their minds" about the sufficiency of his documentation. Had the claims reviewers indicated that his documentation was insufficient during re-review, Mr. [REDACTED]

would have had an opportunity to supplement his documentation or at least accept the original settlement award. If the evaluation of his documentation performed during the re-review was incorrect as is indicated in the attached, Mr. [REDACTED] should not have to suffer. This mistake is not his, and he should not have the rug yanked from beneath him because those hired by the Claims Program to review these claims are not properly trained to do so. The “bait-and-switch” performed on Mr. [REDACTED] cannot be considered fair, and is a far cry from the claimant-friendly process this Claims Program was envisioned to be.”

It is indeed ironic that if Claimant had been satisfied with the \$10,161.22 awarded by the CA on Re-Review, BP could not have appealed the award because it would be under the \$25,000.00 appeal threshold. To his own detriment, Claimant sought further review and the CA corrected the prior error and properly determined that Claimant’s impairment period was 50 days. Claimant presents no convincing evidence to the contrary.

It should be noted that Claimant, in its Appeal comments, also complained that the CA did not include the proper number of dependents in its award calculation. In none of his post-appeal filings did Claimant mention this issue. However, after review of this record, it is determined that the CA properly determined the number of eligible dependents.

For the foregoing reasons, BP’s Final Proposal is the correct result.