



APPEAL PANEL DECISION FORM

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business [REDACTED]	First [REDACTED]	Middle
Claimant ID	[REDACTED]	Claim ID	[REDACTED]
Claim Type	Start-Up Business Economic Loss		
Law Firm	[REDACTED]		

II. DECISION

Denial Upheld

Denial Overturned

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):

See Separate Decision

██████████
Claim ID ██████████

██████████, a taxi driver, appeals the denial of his Start-Up BEL claim. The claimant was required to prove causation because, although as a taxi operator, he was entitled to a tourism designation, he was located in Zone C and, therefore, was not entitled to a presumption of causation. See Exhibit 7 III. As a Start-Up business in C not entitled to causation, he must satisfy the customer mix test. Accordingly, ██████████ must present documentation showing either (1) Proof of an increase in the share of total revenue for customers in Economic Loss Zones A, B or C or (2) for businesses that satisfy the tourism definition, proof of an increase of 10% in the share of total revenue for non-local customers or (3) proof of a spill related cancellation.

Claimant cannot satisfy any of these requirements. ██████████ did submit customer logs showing pick-up sites but this does not address the location of his customers as that term is understood under the Settlement Agreement. Claimant accurately points out that, as a cab driver, he has no way of determining his customer's home address. While this may be true, the requirements of the Settlement Agreement are quite specific on this point. It may be difficult for any cab driver to satisfy the customer mix test, but the dictates of the controlling document must still be followed. Without this information, claimant cannot satisfy causation.

BP also raises a valid question regarding ██████████'s physical location. However, since claimant cannot cross the causation hurdle, it is not necessary to address this issue.

Accordingly, claimant's appeal is dismissed and the denial is affirmed.