



**APPEAL PANEL DECISION FORM**

**I. CLAIMANT AND CLAIM INFORMATION**

<b>Claimant Name</b>	Last/Name of Business [REDACTED]	First	Middle
<b>Claimant ID</b>	[REDACTED]	<b>Claim ID</b>	[REDACTED]
<b>Claim Type</b>	Business Economic Loss		
<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 type="checkbox"/> <b>BP's Final Proposal</b>	<b>Compensation Amount</b>	\$0
	<b>Risk Transfer Premium</b>	.25
	<b>Prior Payment Offset</b>	\$0
<input type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	\$36,692.44
	<b>Risk Transfer Premium</b>	.25
	<b>Prior Payment Offset</b>	\$0
<input checked="" type="checkbox"/> <b>Remand to Claims Administrator</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):**

BP appeals the BEL award to claimant, a pipe and valve storage and distribution center in [REDACTED]. The Settlement Program(SP) determined the claim was not sufficiently matched and issued an award using the AVM methodology in the sum of \$36,692.44,pre-RTP. BP asserts the award is premature and flawed because the SP did not investigate whether claimant's losses were due in whole or in part to federal



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ECONOMIC & PROPERTY DAMAGE CLAIMS

moratoria as required by Exhibit 19 of the Settlement Agreement. BP contends that in its original BEL claim form submitted in July 2012 claimant answered question 10 affirmatively relating to business activities with the offshore oil and gas industry in the Gulf of Mexico. (In a subsequent BEL claim form filed a year later claimant answered this question in the negative.) A review of the Settlement Agreement and Exhibit 19, Part II, discloses a provision that requires the Claims Administrator, if question 10 is answered affirmatively, to route the claim to a dedicated team for supplemental investigation of potential moratoria losses. A review of the record fails to show this undertaking was done as required by Exhibit 19. Even though the subsequent BEL form disavowed the earlier affirmative statement the record fails to show how the SP reconciled this conflict in responses or that it was satisfied that no moratoria losses were implicated. Inexplicably, claimant, though represented by counsel, filed no rebuttal to BP's argument. For the foregoing reasons, the award is vacated and set aside and remanded to the Claims Administrator for further review and evaluation consistent with the requirements of Part II, Exhibit 19, of the Settlement Agreement. (It should be noted that although the NAICS code utilized by claimant is not one identified under Part I of Exhibit 19, this outcome is necessitated by the affirmative answer to question 10 which invokes the application of the provisions of Part II of Exhibit 19.)