



**APPEAL PANEL DECISION FORM**

**I. CLAIMANT AND CLAIM INFORMATION**

<b>Claimant Name</b>	Last/Name of Business	First	Middle
	[REDACTED]		
<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>	<b>\$0</b>
	<b>Risk Transfer Premium</b>	<b>.25</b>
	<b>Prior Payment Offset</b>	<b>\$0</b>
<input checked="" type="checkbox"/> <b>Claimant's Final Proposal</b>	<b>Compensation Amount</b>	<b>\$122,665.21</b>
	<b>Risk Transfer Premium</b>	<b>.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):**

[REDACTED] is a [REDACTED] business that provides monthly billing services to hospital-based physicians groups. The Claims Administrator found [REDACTED] eligible for a pre-RTP award of \$122,665.21 in its BEL claim and BP appeals. In its appeal, BP asserts that the Settlement Program erred in its treatment of [REDACTED]'s revenue in September and October of 2010 and that the Program misclassified [REDACTED]'s



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expenses for "██████████" as a fixed rather than a variable expense. BP also takes issue with the AVM methodology used to process the claim, however this issue was not raised in the notice and is waived. The record establishes a pattern of billing whereby ██████ sent invoices for services performed by its ██████ clients and the revenue recorded upon receipt, usually within the following month. There was no income recorded for one such client, ██████, in September of 2010 and \$76,898 of income recorded in October of 2010. BP argues that this was a "mistake" and that the October income was "almost double [██████████] monthly average" of \$39,000 per month. BP argues that this "error" should have been corrected by the Program accountants before the claim proceeded and had only half of the October 2010 revenue been reallocated to September to "account for the mistake," ██████ would have failed causation. ██████ responds that it accounts on a cash basis and that no revenue was received in September, 2010 for ██████. Thus, there was no "error" to "correct." BP maintains that ██████'s regular revenue pattern is consistent from month to month, averaging \$39,000. BP fails to note that, wholly aside from the October 2010 revenue in question, ██████'s revenue fluctuated from approximately \$32,000 in some months to over \$71,000 in March of 2010. This panelist sees no justification for reallocating ██████'s income before applying the AVM methodology and finds BP's argument on this issue unpersuasive and not supportive of BP's final proposal if ██████ used ██████ ██████ to print and mail billing statements for its clients. The Program inquired into the nature of this expense and classified it as "Contract Services-Fixed." While BP notes that the expenses fluctuate from month to month, mere fluctuations do not necessarily mandate that an expense be classified as variable. This panelist finds no error on the part of the Program and that, in this baseball appeal, the claimant's final proposal, rather than BP's proposal of \$0, to be the proper result. The appeal is denied.