

NOTICE OF APPEAL PANEL DECISION

DATE OF NOTICE: October 31, 2014

DEADLINE TO REQUEST DISCRETIONARY COURT REVIEW: November 14, 2014

DEADLINE TO OBJECT TO REQUEST FOR DISCRETIONARY COURT REVIEW: November 25, 2014

I. CLAIMANT AND CLAIM INFORMATION

Claimant Name	Last/Name of Business redacted	First	Middle
Claimant ID	redacted	Claim ID	redacted
Claim Type	Business Economic Loss		
Law Firm	Elliott Law Firm, PLLC		

II. APPEAL PANEL DECISION

The Economic and Property Damages Settlement Agreement ("Settlement Agreement") written by Class Counsel and BP requires the Claims Administrator to designate an Appeals Coordinator to coordinate the Appeals Process. This Notice is an official communication from the Appeals Coordinator and relates to the claim identified in Section I. BP or the claimant appealed this claim, and the Appeals Coordinator submitted the claim for Appeal Panel review. The Appeal Panel has completed its review of the Appeal and has reached a final decision on the claim. The details of the Appeal Panel's decision are below, as well as any comment left by the Appeal Panel:

		Proposal Chosen
Compensation Amount	redacted	Claimant
Risk Transfer Premium Multiplier	0.25	Claimant
Prior Payment Offset	\$0.00	Claimant

The Compensation Amount awarded by the Appeal Panel will appear in Section II, line 1 of your Post-Appeal Eligibility Notice. We will increase this Compensation Amount by the applicable Risk Transfer Premium, if any, and also decrease this Compensation Amount by any applicable offsets to determine your Award Amount. If this was a Claimant Appeal of a Post-Reconsideration Eligibility Notice and the claimant prevailed upon appeal, the pre-Risk Transfer Premium Compensation Amount will be increased by 5%. If we have received notice of any outstanding lien, we will also deduct that applicable amount from your Award Amount.

The Appeal Panel's decision will stand as the Settlement Program's final determination on this claim.



III. APPEAL PANEL COMMENT

BP appeals a BEL award to a redacted equipment seller/installer. It asserts that the Administrator violated Policy 495 by, in the first step of its review, failing to address a **mismatch of revenues and expenses** in Claimant's financials. Specifically, BP points to a pattern of monthly matching of spikes in revenues with expenses except for in December, 2009, when expenses were recorded as minimal, but showed a spike in January, 2010. It requests either a remand to look further into this alleged mismatch or alternatively a reduction in the award produced by recomputing 2009 financials to include January, 2010 recorded expenses. Initially, as has been oft-stated in prior panel rulings, clearly the first step of **Policy 495 requires only the correction of "errors" such as duplicate entries and miscalculations.** The "rematching" requirement advanced by BP is inherent to the second step of 495, involving the seven criteria explained therein. This record reflects that just such a process was followed concerning Claimant's financials, and it was subjected to the AVM methodology authorized by Policy 495. Indeed, as pointed out by Claimant, the large expense item recorded in January 2010 involves an initial quarterly payment for Air Time expenses. Four quarterly payments were already made for the year 2009. To accede to BP's presumptive reallocation request would allocate five quarterly expenses to 2009. Claimant's final proposal, seeking affirmation of the Administrator's award, is the correct one and must be chosen by this panelist.

IV. DISCRETIONARY COURT REVIEW PROCESS

The Settlement Agreement states that the Court has the discretionary right to review any appeal determination to consider whether it is in compliance with the Settlement Agreement. There is no right of automatic appeal to the Court, and the Court has stated that reviews of Appeal Panel determinations will be granted only in exceptional circumstances.

BP, Claimants, and Class Counsel may request discretionary court review of an appeal determination. The issues that the Court may review are limited to those issues that were properly raised before the Appeal Panel. To request discretionary court review, you must submit a Request for Discretionary Review by the Court ("Request") to the Appeals Coordinator on or before the deadline date to request for discretionary court review listed at the top of this Notice. Any applicable payment cannot be issued until the deadline date listed at the top of this Notice has passed without a request for discretionary review or, if a request is submitted, the discretionary review process is complete.

Your Request must be no longer than three double-spaced typewritten pages. The Request must contain the following information: (a) A clear statement of how the determination by the Appeal Panel failed to comply with the Settlement Agreement and why the extraordinary relief of review by the Court should be granted in this instance; and (b) the relief sought.

After submission of a Request, the opposing party may submit an Objection to the Request ("Objection"). It is not mandatory. If you elect to submit an Objection, you must submit it to the Appeals Coordinator on or before the deadline date to object to the request for discretionary court review listed at the top of this Notice. The Objection must be no longer than three double-spaced typewritten pages.

If you use the Deepwater Horizon Portal, you must submit your discretionary court review documents and information through the portal. If you do not use the portal, requests and objections must be submitted by email to the Appeals Coordinator at **AppealsCoordinator@dhcc.com**. Do not submit any documents to the Court, Class Counsel, or any other party. You must send all documents to the Appeals Coordinator.

After the period for submitting Requests and Objections has passed, the Court will either grant or deny the Request. If the Court denies the Request, you will receive a Notice of Denial of Request for Discretionary Review by the Court, and the claim will be processed according to the decision of the Appeal Panel. If the Court grants the Request, you will receive a Notice of Granting of Request for Discretionary Review by the Court and additional documentation from the claim file will be provided to the Court. When the Court makes a Decision, you will receive a Notice of Court Decision, and the claim will be processed in accordance with the Court's direction.

If no Request is submitted, the Claims Administrator will submit the claim for payment, if applicable.

V. HOW TO RESPOND TO THIS NOTICE



Submit your **Request or Objection** to the Appeals Coordinator through the Deepwater Horizon Portal. If you are not a Portal user, you must email the address below and note the Claim ID on the top page of all documents you submit.

By Email

(Sent no later than 12:00 midnight local time on your request deadline)

AppealsCoordinator@dhecc.com

VI. HOW TO CONTACT US WITH QUESTIONS OR FOR HELP

For questions about this Notice of Appeal Panel Decision or the status of your other claim(s), contact the Claimant Communications Center at 1-800-353-1262 or send an email to **Questions@dhecc.com**. If you are a law firm or claims preparation company, call or email your designated DWH Contact for help or assistance. You may also visit a Claimant Assistance Center for help. For a complete list of Claimant Assistance Centers, go to **www.deepwaterhorizoneconomicsettlement.com**.

