

APPENDIX C \ Summary of Collectively Bargained Health-Related Programs and Benefits

Preliminary Note: The descriptions below are of various collectively bargained health-related programs and benefits. These programs are mentioned in the collective bargaining agreement (CBA) but the actual plan and benefit documents are separate from the CBA. The descriptions below are merely summaries as the actual plan and benefit documents are substantially longer and contain much greater detail and nuance. These descriptions should be not be taken as a complete statement of the benefits, rights, and obligations under the various plans.

Additionally, as a preliminary matter, player eligibility for many of the collectively bargained benefits discussed below depends on the number of “Credited Seasons” a player has earned. Generally, a player earns a Credited Season when he is entitled to be paid for at least three regular season games.¹

RETIREMENT PLAN

First Created: 1968

Last Amended: 2011

2011 CBA Provision: Art. 53

Administrator: The Retirement Board, which consists of three members selected by the NFL Management Council (NFLMC)^a and three members selected by the NFLPA. The current NFLMC members are: Dick Cass, President, Baltimore Ravens; Katie Blackburn, Executive Vice President, Cincinnati Bengals; and, Ted Phillips, President, Chicago Bears. The National Football League Players Association (NFLPA) members are former players Jeff Van Note, Robert Smith, and Sam McCullum. NFL Commissioner Roger Goodell is a nonvoting member and Chairman.

The members of the Retirement Board also serve as the members of the Disability Board, Savings Board, 88 Board, Annuity Board, and HRA Board, the plans of which are discussed in further detail below.

Description: Provides eligible players with retirement benefits, and offers survivor benefits for players’ wives and family.

Eligibility: Generally, only “Vested Players” are eligible for retirement benefits. A Vested Player is a player who fits one of the following criteria: (1) has three or more Credited Seasons, including at least one Credited Season after 1992; (2) has four or more Credited Seasons, including at least one Credited Season after 1973; or, (3) has five or more Credited Seasons. In addition, regardless of the number of Credited Seasons a player has, if the player qualifies for permanent and total disability benefits under the Disability & Neurocognitive Disability Benefit Plan (discussed below) while an active player, the player can receive benefits under the Retirement Plan.

When Eligible: Vested Players can receive monthly retirement benefits for life beginning at age 55. Players with a Credited Season before 1993 can receive reduced monthly benefits as early as age 45. A player can elect to receive retirement benefits until his death or defer some of the benefits to his family upon death.

Payor: Contributions are made into a trust fund by NFL clubs each year according to certain actuarial assumptions.

Payment Type: Monthly.

Enrollment Type: Player must file for retirement benefits upon reaching age 55, but will automatically begin receiving the benefits at age 65 if nothing is filed.

^a NFL Management Council is the official name of the organization that collectively bargains on behalf of the NFL clubs.

Benefit Amount:**Table C-A:****Retirement Benefits (If taken after age 55)**

Credited Season	Monthly Benefit Credit per Credited Season
Before 1982	\$250
1982 through 1992	\$255
1993 through 1994	\$265
1995 through 1996	\$315
1997	\$365
1998 through 2011	\$470
2012 through 2014	\$560
2015 through 2017	\$660
2018 through 2020	\$760

In addition, the Retirement Plan includes \$620 million in Legacy Benefits created as part of the 2011 CBA for players that played before 1993. The Legacy Benefits listed below are in addition to the Retirement Benefits listed above.

Table C-B:**Legacy Benefits**

Credited Season	Monthly Benefit Credit per Credited Season
Before 1975	\$124
1975 through 1992	\$108

Additional Notes: According to the NFL, as of 2015, 3,641 former players receive an average monthly retirement benefit of \$1,656,² for a total of approximately \$72,353,952 annually. In addition, about 90 percent of those former players also received Legacy Benefit payments, with an average monthly payment of \$723.85,³ for a total of approximately \$28,464,677 in Legacy Benefit payments. Thus, in 2015, the NFL Retirement Plan paid a little more than \$100 million to former NFL players.

The Retirement Plan—which until 2011 also covered disability benefits—has historically been viewed negatively by former players. The filing process has been considered complex and lengthy,⁴ resulting in many former players suing the Retirement Plan concerning their benefits.⁵ During a 2007 hearing before the United States Senate Committee on Commerce, Science, and Transportation, it was revealed that only 317 former players were receiving disability benefits, out of the thousands that were eligible.⁶

Of additional concern, in recent years the NFLPA has been warning players that the Retirement Plan is underfunded.⁷ Currently, the Plan only takes in enough money to cover about 54.5 percent of what it pays out,⁸ jeopardizing its ability to pay retirement benefits in the future.

DISABILITY & NEUROCOGNITIVE BENEFIT PLAN

First Created: Disability benefits were first offered in 1970 and were historically available as part of the Retirement Plan. The Neurocognitive Disability Benefit was created as part of the 2011 CBA. The 2011 CBA also agreed to combine the disability components of the Retirement Plan, the Supplemental Disability Plan and the Neurocognitive Disability Benefit into this plan.

Last Amended: 2014

2011 CBA Provisions: Arts. 61, 65

Administrator: The Disability Board, which consists of the same members as the Retirement Board.

Description: Provides eligible players with disability benefits, including benefits based on neurocognitive disability.

Eligibility: A player is eligible for “Total and Permanent Disability Benefits” if the Initial Claims Committee^b or Disability Board determines “(1) that he has become totally disabled to the extent that he is substantially prevented from or substantially unable to engage in any occupation or employment for remuneration or profit . . . , and (2) that such condition is permanent.”

Each player is awarded benefits pursuant to one of four categories: (1) Active Football: the player is an active player and the disability “results from League football activities”;^c (2) Active Nonfootball: the player is an active player but the disability does not result from League football activities; (3) Inactive A: the player is a former player who filed for disability benefits within 15 years of his last Credited Season; or (4) Inactive B: the player is a former player who filed for disability benefits more than 15 years of his last Credited Season. Inactive A and Inactive B disability benefits are not dependent on the disability resulting from League football activities.

^b The Initial Claims Committee consists of three members: one appointed by the NFL, one appointed by the NFLPA, and a medical professional jointly chosen by the parties.

^c League football activities include any NFL “pre-season, regular-season, or post-season game, or any combination thereof, our out of League football activity supervised by a[] [Club], including all required or directed activities.”

A player is eligible for “Line-of-Duty Disability Benefits” if the Initial Claims Committee or Retirement Board determines that the player “incurred a substantial disablement . . . arising out of [NFL] football activities.” Line-of-Duty Disability Benefits address those injuries or disabilities that are not considered permanent.

A player is eligible for Neurocognitive Disability Benefits if: (1) the player is vested under the Retirement Plan; (2) the player is under age 55; (3) the player had at least one Credited Season after 1994; (4) the player does not receive Retirement Benefits; (5) the player does not receive Total and Permanent Disability Benefits; (6) the player executes a release releasing the NFL and clubs from any liability for head or brain injuries;^d and, (7) the player is determined to have mild or moderate neurocognitive impairment.

A player has “mild neurocognitive impairment if he has problems with one or more domains of cognitive functioning which reflect acquired brain dysfunction but are not severe enough to cause marked interference in day-to-day activities.”

A player has “moderate neurocognitive impairment if he has problems with one or more domains of cognitive functioning which reflect acquired brain dysfunction resulting in marked interference with everyday life activities, but not severe enough to prevent the Player from working.”

A player must submit to a medical examination by a doctor of the Disability Board’s choosing to determine if the player has neurocognitive impairment.

When Eligible: A player can receive Total and Permanent Disability Benefits as soon as the disability is established, retroactive to the time of application. Total and Permanent Disability Benefits continue so long as the player remains disabled and submits to medical examinations.

A player can receive Line-of-Duty Disability Benefits as soon as the disability is established, retroactive to the time of application, for a maximum of 90 months.

A player can receive Neurocognitive Disability Benefits as soon as the disability is established, retroactive to the time of application, for a maximum of 180 months. Also, the Neurocognitive Disability Benefits terminate

upon the player’s 55th birthday regardless of when the benefits began.

Generally, a player cannot receive both retirement and disability benefits at the same time.

Payor: Contributions are made into a trust fund by NFL clubs each year.

Payment Type: Monthly.

Enrollment Type: Player must file for disability benefits.

Benefit Amount:

Table C-C:
Total and Permanent Disability Benefits

Type of Disability	Monthly Benefit
Active Football	\$22,084
Active Nonfootball	\$13,750
Inactive A	\$11,250
Inactive B	\$5,000

- **Line-of-Duty Disability Benefits:** \$3,000/month.
- **Mild Neurocognitive Disability Benefits:** \$2,250/month.
- **Moderate Neurocognitive Disability Benefits:** \$4,000/month.

Additional Notes: As of July 31, 2015, 1,881 players are receiving disability benefits for an average of \$5,178.33 a month,⁹ for a total of approximately \$116,885,264.

According to a 2010 analysis of the NFLPA’s disability claims database, disability benefit applications had never exceeded 200 applications in a year until 2008 and 2009, when there were more than 400 claims in both years.¹⁰ As of 2010, NFL disability benefit claims were approved approximately 38 percent of the time.¹¹ Importantly, the benefits criteria changed after the 2011 CBA, so current data would not be comparable. Moreover, according to the same analysis, of the players who filed for disability benefits, the mean age at which they retired from the NFL was 30.2 years.¹² Additionally, the mean age at which the player filed for disability benefits was 38.1 years.¹³

Finally, through the year 2009, there had been a total of 2,670 disability benefit claims, with 2,423 (90.7 percent) for orthopedic conditions, 52 (1.9 percent) for neurological conditions, 18 (0.7 percent) for psychological conditions, 18 (0.7 percent) for cardiovascular conditions, and 159 for other unspecified conditions (6.0 percent).¹⁴

^d The requirement of this release might prevent many otherwise qualified players from receiving Neurocognitive Disability Benefits to which they would otherwise be entitled. When asked, the NFL stated it was unable to provide the number of former players currently receiving neurocognitive disability benefits “without the consent of the NFL Players Association.” The NFLPA declined to provide this consent or the number of former players who have filed for or are receiving these benefits, citing “player privacy and confidentiality concerns.” We are not sure if we agree with these concerns. This information is de-identified aggregate data that is unlikely to reveal the personal medical information of any player.

SEVERANCE PAY**First Created:** 1982**Last Amended:** 2011**2011 CBA Provision:** Art. 60**Administrator:** NFLMC**Description:** Player is eligible to receive severance pay for each Credited Season.**Eligibility:** A player with at least two Credited Seasons, at least one of which was in 1993 or after.**When Eligible:** 12 months after your last contract expired or was terminated. Payments generally begin within the quarter after claim accepted.**Payor:** The club with whom the player last earned a Credited Season.**Payment Type:** Single lump sum.**Enrollment Type:** Player must file a claim with NFLMC.**Benefit Amount:****Table C-D:****Severance Pay Benefits^e**

Seasons	Amount for Each Credited Season
1989–92	\$5,000
1993–99	\$10,000
2000–08	\$12,500
2009	\$15,000
2010	0
2011	\$15,000
2012–13	\$17,500
2014–16	\$20,000
2017–20	\$22,500

^e Pursuant to the terms of the 2006 CBA, the NFL was not required to fund several benefit plans, including the Severance Pay Plan in 2010 if the 2010 season was not played with a Salary Cap — a situation which would only exist if the NFL and NFLPA were unable to agree to an extension of the CBA, which is what actually transpired. See 2006 CBA, Art. L; Art. LVI.

PLAYER INSURANCE PLAN**First Created:** 1968**Last Amended:** 2011**2011 CBA Provision:** Art. 59**Administrator:** Aon Hewitt; Cigna**Description:** Provides players and their family with life insurance, accidental death and dismemberment insurance, medical coverage, dental coverage, and wellness benefits. The wellness benefits include access to clinicians for mental health, alcoholism, and substance abuse, child and parenting support services, elder care support services, pet care services, legal services, and identity theft services.**Eligibility:** Any player in the NFL, including practice squad players. Players who are vested under the Retirement Plan continue to receive coverage for five years after their career ends. Players who are not vested are only covered through the end of the plan year.After their career has ended, players have the option of continuing coverage pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA)^f for a period of 18, 29 or 36 months. Players are required to pay the full cost of coverage plus 2 percent for administrative costs.**When Eligible:** Generally, players are eligible on the first day of training camp.**Payor:** Generally speaking, the clubs pay for the costs of the insurance programs, which, under the terms of the CBA, reduces the amount of money that can be paid to players in salary.

The club pays the entire cost of life insurance and accidental death and dismemberment insurance.

The players are responsible for copayments and deductibles of varying amounts depending on the types of medical and dental treatment being provided.

Payment Type: Insurance coverage and reimbursement as appropriate.**Enrollment Type:** Player must complete enrollment paperwork.

^f COBRA, 29 U.S.C. §§ 1161–69, requires continuation coverage to be offered to covered employees, their spouses, former spouses, and dependent children when group health coverage would otherwise be lost due to certain specific events, including, as would be relevant in the NFL, “the termination (other than by reason of such employee’s gross misconduct), or reduction of hours, of the covered employee’s employment.” 29 U.S.C. § 1163(2).

Benefit Amount:**Table C-E:****Life Insurance Benefits**

Number of Credited Seasons	Benefit Amount
6 or more	\$1,600,000
5	\$1,400,000
4	\$1,200,000
3	\$1,000,000
2	\$800,000
1 or 0	\$600,000

- **Accidental Death and Dismemberment Insurance:** Up to \$50,000 depending on the injured body part.
- **Medical Coverage:** So long as the player is a member of the insurance plan, there is no limit to the amount of benefits the player can obtain.
- **Dental Coverage:** Limited to \$2,000 per person per year.

SECOND CAREER SAVINGS PLAN**First Created:** 1993**Last Amended:** 2011**2011 CBA Provision:** Art. 54**Administrator:** The Savings Board, which consists of the same members as the Retirement Board.**Description:** A 401(k) plan that helps players save for retirement in a tax-favored manner.**Eligibility:** All NFL players, regardless of the number of Credited Seasons.**When Eligible:** Players can receive their benefits after the player is 45 provided the player is not employed by a club, or after the player is 59½.**Payor:** Players and their clubs.**Payment Type:** The player can receive the benefits in a variety of forms: (1) a single lump sum payment; (2) installments over ten years; (3) an annuity for the player's life; and, (4) an annuity for the player's life and surviving spouse's life.**Enrollment Type:** Players are automatically enrolled in the plan, with 10 percent of their pre-tax salary going towards the plan. Players can change the amount of their contributions or opt out of the plan at any time.**Benefit Amount:** Players can contribute up to the maximum permitted by the IRS (\$18,000 in 2016). The player's club is required to contribute a minimum of: \$1,000 if the player has exactly one Credited Season; \$7,200 if the player has exactly two Credited Seasons; and, \$3,600 if the player has three or more Credited Seasons.

In addition, the club will contribute \$2 for every \$1 contributed by a player during a year in which the player earned a Credited Season, provided the player has at least one Credited Season, up to a maximum of \$26,000 between 2015–18, and \$28,000 between 2019–20.

Notes: According to the NFLPA, 99 percent of NFL players are enrolled in the Second Career Savings Plan.¹⁵**TUITION ASSISTANCE PLAN****First Created:** 2002**Last Amended:** 2011**2011 CBA Provision:** Art. 56**Administrator:** NFLMC**Description:** Players receive reimbursement for tuition, fees, and books from attending an eligible education institution.**Eligibility:** All current NFL players with at least one Credited Season. Former players with at least five Credited Seasons are also eligible provided that the costs are incurred within four years of the player's last season.**When Eligible:** Players must have received a "C" or better in the course and submit their claim for reimbursement within six months of when the final grade is issued.**Payor:** The player's club pays the benefits. NFLMC pays administrative costs and expenses.**Payment Type:** Lump-sum payment within 75 days after player's application is received.**Enrollment Type:** Player must complete application and include copies of all receipts.**Benefit Amount:** The maximum reimbursement is \$20,000 per year. A former player with at least five Credited Seasons is eligible for up to \$60,000 in reimbursements.**Note:** For context, according to the College Board, the average tuition at a public four-year university for an in-state student is \$9,410; the average tuition at a public four-year university for an out-of-state student is \$23,893; and, the average tuition at a private four-year university is \$32,405.¹⁶

THE 88 PLAN

First Created: 2006

Last Amended: 2012

2011 CBA Provision: Art. 58

Administrator: The 88 Board, which consists of the same members as the Retirement Board.

Description: Provides former players suffering from dementia, amyotrophic lateral sclerosis (ALS) or Parkinson's disease with benefits. The 88 Plan is named for John Mackey, a Hall of Fame tight end for the Baltimore Colts and San Diego Chargers from 1963 to 1972, who wore number 88 during his career. Mackey suffered from dementia later in life and died in 2011 at the age of 69.

Eligibility: Vested Players under the Retirement Plan and players who have received Total and Permanent Disability Benefits under the Disability & Neurocognitive Benefit Plan who have been diagnosed with dementia, ALS, or Parkinson's disease. The 88 Committee, consisting of an NFLMC designee and an NFLPA designee, determine whether the player qualifies for the benefit.

When Eligible: A player is eligible upon diagnosis.

Payor: Contributions are made into a trust fund by NFL clubs each year.

Payment Type: The 88 Plan will reimburse or pay the following costs for medical care that are related to a player's dementia, ALS, or Parkinson's disease: institutional care; home custodial care provided by an unrelated third party; physician services; durable medical equipment; and, prescription medication.

The player must file claims for reimbursement within 12 months of the later of the date medical care was rendered or the date the bill for covered expenses was received.

Enrollment Type: Player must apply for the benefits.

Benefit Amount: A maximum of \$130,000 per year.

Notes: As of 2014, 214 former players were receiving funds from The 88 Plan.¹⁷

FORMER PLAYER LIFE IMPROVEMENT PLAN

First Created: 2007

Last Amended: 2011

2011 CBA Provision: Art. 64

Administrator: Aon Hewitt

Description: Plan permits qualifying former players (and in some cases their dependents) not otherwise covered by health insurance to receive reimbursement for medical costs for "joint replacements, prescription drugs, assisted living, Medicare supplemental insurance, spinal treatment, and neurological treatment."

Eligibility: Former NFL players who are vested under the Retirement Plan. However, there are many benefits under this plan, some of which have additional eligibility requirements, so not every player is eligible for every benefit.

When Eligible: Generally, upon the end of the player's career.

Payor: Contributions to the plan are made by the clubs on a per-capita basis to a trust in amounts sufficient to pay estimated benefits and expenses.

Payment Type: Reimbursement and grants to assist eligible players in need.

Enrollment Type: Player must file.

Benefit Amount:

- **Joint Replacement Benefits:** A maximum of \$5,250, or \$10,500 in the case of a bilateral procedure.
- **Discount Prescription Drug Benefits:** Unspecified discounts for prescription drugs.
- **Life Insurance Benefits:** Term life insurance in an amount equal to \$20,000, plus \$2,000 for each Credited Season in excess of the number of Credited Seasons the player was required to have to vest under the Retirement Plan, up to a maximum of \$50,000.
- **Assisted Living Benefits:** Special discounts and preferred access at Brookdale Senior Living and Silverado Senior Living facilities.
- **Medicare Benefit:** A range of Medicare Supplemental Insurance plans to former players are available.
- **Spine Treatment Benefit:** Access to top tier medical centers that have particular expertise in treating spinal conditions. However, the plan generally does not cover the costs of any treatment or provide for any discounts.

- **Neurological Benefit:** Access to top tier medical centers that have particular expertise in treating neurological conditions. However, the plan generally does not cover the costs of any treatment or provide for any discounts.
- **Wellness Benefit:** Includes access to clinicians for mental health, alcoholism, and substance abuse, child and parenting support services, elder care support services, pet care services, legal services, and identity theft services.

PLAYER ANNUITY PLAN

First Created: 1998

Last Amended: 2011

2011 CBA Provision: Art. 55

Administrator: The Annuity Board, which consists of the same members as the Retirement Board.

Description: Provides deferred compensation to players. The Annuity Plan invests the players' collective deferred compensation. The Annuity Plan is divided between a Qualified Account and a Nonqualified Account. The Qualified Account includes the maximum amount of compensation that can be deferred on a pre-tax basis pursuant to IRS rules. The maximum amount that could be deferred on a pre-tax basis in 2016 was \$53,000.¹⁸ The amount contributed to the Annuity Plan above this amount is the Nonqualified Account portion and must be taxed before being invested as part of the Annuity Plan.

Eligibility: A current or former player with at least one Credited Season. A player does not vest in his Qualified Account until he has earned at least three Credited Seasons. In contrast, a player is always vested in his Nonqualified Account.

When Eligible: A player can elect to receive a distribution at any time after he is done playing, provided the player is at least 45, or is at least 35 and five years have elapsed since the player last earned a Credited Season. Distributions must begin no later than the first day of the month after the player turns 65.

Payor: Paid from player's own deferred compensation.

Table C-F:
Annuity Plan Benefits

Credited Seasons	Total Amount Allocated to Annuity Plan for That Season
1	\$0
2	\$5,000
3	\$5,000
4	\$70,000
5 or more	\$80,000

The reason for the large increase in allocation from the third to fourth Credited Season is likely due to the vesting requirements. As stated earlier, a player is not vested in his Qualified Account—which represents the bulk of the Annuity Plan contribution—until after his third Credited Season. If he does not vest in the Qualified Account, it is forfeited. Thus, by minimizing the amounts allocated before players vest in the Annuity Plan, the Annuity Plan minimizes the amount of deferred compensation that might be forfeited.

Payment Type: Players may elect different distributions forms for each of their accounts and different dates for payments to begin. Payment forms include: (1) annual installments until the player reaches 45; (2) an annuity for life; (3) a reduced annuity for your life, with a survivor annuity beginning after the player's death; (4) a lump sum, if the former player is at least 45 when the lump sum is to be paid; and, (5) a partial lump sum, if the player is at least 45 when the partial lump sum is paid, with the remainder paid in one of the other payment forms.

Enrollment Type: Automatic.

Benefit Amount: The benefit the player receives depends on: the value of the player's account; the player's age; the player's marital status; and, the type of payment plan selected by the player.

HEALTH REIMBURSEMENT ACCOUNT PLAN

First Created: 2006

Last Amended: 2011

2011 CBA Provision: Art. 63

Administrator: The HRA Board, which consists of the same members as the Retirement Board.

Description: Helps to pay out-of-pocket healthcare expenses after players are no longer employed by an NFL Club and after the period of extended medical coverage under the Player Insurance Plan that is paid by the NFL has ended.

Eligibility: (1) Players with at least eight Credited Seasons and whose last Credited Season was in 2004 or 2005; or (2) Players with at least three Credited Seasons and whose last Credited Season was in 2006 or later.

When Eligible: Player is eligible to withdraw amounts from Health Account for medical expenses incurred provided he files for reimbursement within 24 months of receiving the medical bill to be reimbursed.

Payor: Clubs contribute the amounts to the Health Account. Players do not contribute their own money to their Health Account.

Payment Type: Lump sum.

Enrollment Type: Automatic.

Benefit Amount:

Table C-G:

Health Reimbursement Account Benefits^g

Credited Seasons	Health Account Contribution per Credited Season
2009 and prior	\$25,000
2010	\$0
2011 through 2015	\$25,000
2016 through 2020	\$30,000

LONG TERM CARE INSURANCE PLAN

First Created: 2011

Last Amended: 2011

2011 CBA Provision: Art. 62

Administrator: NFL

Description: Provides medical insurance to cover the costs of long-term care.

Eligibility: Vested players under the Retirement Plan who are between the ages of 50 and 76, who have been certified by a licensed healthcare provider as requiring critical supervision, or requiring the presence of another person within arm's reach due to inability to perform a required number of defined activities of daily living.

When Eligible: Player is eligible for the insurance as soon as he meets the eligibility requirements.

Payor: It is uncertain what the NFL and players' obligations are with respect to the Long Term Care Insurance Plan, as we were unable to obtain Plan documents.

Payment Type: Uncertain.

Enrollment Type: Player must enroll.

Benefit Amount: \$150 a day for a maximum of four years.

^g Pursuant to the terms of the 2006 CBA, the NFL was not required to fund several benefit plans, including the Health Reimbursement Account in 2010 if the 2010 season was not played with a Salary Cap — a situation which would only exist if the NFL and NFLPA were unable to agree to an extension of the CBA, which is what actually transpired. See 2006 CBA, Art. L; Art. LVI.

Endnotes

- 1 See Bert Bell/Pete Rozelle NFL Player Retirement Plan (Apr. 1, 2012) § 1.11 (defining “Credited Season”); 2011 CBA, Art. 26, § 2 (same).
- 2 Aaron Gordon, *Battle for Benefits, Part 3: “Don’t Make Proud Men Beg”*, Vice Sports (Sept. 18, 2015), https://sports.vice.com/en_us/article/battle-for-benefits-part-3-dont-make-proud-men-beg, archived at <https://perma.cc/YP4J-8AGY>.
- 3 *Id.*
- 4 See Mark Fainaru & Steve Fainaru, *League of Denial: The NFL, Concussions, and the Battle for Truth* 86–87 (2013).
- 5 Pursuant to the Employee Retirement Income Security Act (“ERISA”), individuals claiming entitlement to benefits under a retirement plan are entitled to bring a civil action to enforce or clarify their rights under the plan. 29 U.S.C. § 1132(a). Former players routinely sue the Retirement Plan alleging they were wrongfully denied benefits, with mixed success. See, e.g., *Atkins v. Bert Bell/Pete Rozelle NFL Player Retirement Plan*, 694 F.3d 557 (5th Cir. 2012) (plan administrator’s determination that player was not entitled to additional benefits was not an abuse of discretion); *Giles v. Bert Bell/Pete Rozelle NFL Player Retirement Plan*, 925 F. Supp. 2d 700 (D.Md. 2012) (Retirement Board’s classification of participant’s disability as “Inactive” rather than “Football Degenerative” was not reasonable decision supported by substantial evidence in the record); *Moore v. Bert Bell/Pete Rozelle NFL Player Retirement Plan*, 282 Fed.Appx. 599 (9th Cir. 2008) (Retirement Board’s decision to terminate player’s benefits was not based on reasonable interpretation of plan’s terms); *Johnson v. Bert Bell/Pete Rozelle NFL Player Retirement Plan*, 468 F.3d 1082 (8th Cir. 2006) (plan administrator did not abuse its discretion in setting date of disability as time of disability determination by physician to whom plan had referred former player); *Boyd v. Bert Bell/Pete Rozelle NFL Players Retirement Plan*, 410 F.3d 1173 (9th Cir. 2005) (administrator did not abuse its discretion in rejecting retiree’s claim, given ambiguity as to cause of neurologic disability at issue); *Courson v. Bert Bell NFL Player Retirement Plan*, 75 F. Supp. 2d 424 (W.D.Pa. 1999) *aff’d* 214 F.3d 136 (3d Cir. 2000) (plan administrator’s determination that former player was not disabled was not arbitrary or capricious); *Brumm v. Bert Bell NFL Retirement Plan*, 995 F.2d 1433 (8th Cir. 1993) (trustees’ interpretation of ERISA plan to allow higher level of disability benefits only in cases involving single, identifiable football injury, and excluding cases of disability resulting from football career’s overall impact on body was unreasonable in light of plan’s goals).
- 6 *Oversight of the National Football League (NFL) Retirement System: Hearing Before the Comm. On Commerce, Sci. & Transp.*, 110th Cong. 1177 (2007), available at <http://www.gpo.gov/fdsys/pkg/CHRG-110shrg76327/html/CHRG-110shrg76327.htm>, archived at <https://perma.cc/RK38-GBYQ?type=pdf>.
- 7 Aaron Gordon, *Battle for Benefits, Part 3: “Don’t Make Proud Men Beg”*, Vice Sports (Sept. 18, 2015), https://sports.vice.com/en_us/article/battle-for-benefits-part-3-dont-make-proud-men-beg, archived at <https://perma.cc/YP4J-8AGY>.
- 8 *Id.*
- 9 Aaron Gordon, *Battle for Benefits, Part 1: “Why Do I Have to Fight You Now?”*, Vice Sports (Sept. 16, 2015), https://sports.vice.com/en_us/article/battle-for-benefits-part-1-why-do-i-have-to-fight-you-now, archived at <https://perma.cc/FK7X-G3BN>.
- 10 Edgeworth Economics, *DRAFT Dangers of the Game: Injuries in the NFL — Analysis for the NFLPA* (Sept. 6, 2010), http://esq.h-cdn.co/assets/cm/15/07/54dae83730ce3_-_Dangers-of-the-Game-Draft-Esquire.pdf, archived at <https://perma.cc/X976-GYPU?type=pdf>.
- 11 *Id.*
- 12 *Id.*
- 13 *Id.*
- 14 *Id.*
- 15 *Quotes from NFLPA Press Conference*, NFLPA (Feb. 4, 2016), <https://www.nflpa.com/news/all-news/quotes-from-nflpa-sb50-press-conference>, archived at <https://perma.cc/2GZH-FQ37>.
- 16 See *Average Published Undergraduate Charges by Sector, 2015–16*, CollegeBoard, <http://trends.collegeboard.org/college-pricing/figures-tables/average-published-undergraduate-charges-sector-2015-16> (last visited Mar. 17, 2016), archived at <https://perma.cc/HNW6-FBKG>.
- 17 Ken Belson, *Dementia Care, Tailored to N.F.L. Retirees*, N.Y. Times, Mar. 22, 2016, <http://www.nytimes.com/2016/03/23/sports/dementia-care-tailored-to-nfl-retirees.html>, archived at <https://perma.cc/P3E4-WXRV>.
- 18 See *IRS Announces 2016 Pension Plan Limitations; 401(k) Contribution Limit Remains Unchanged at \$18,000 for 2016*, Internal Revenue Service, Oct. 21, 2015, [https://www.irs.gov/uac/Newsroom/IRS-Announces-2016-Pension-Plan-Limitations%3B-401\(k\)-Contribution-Limit-Remains-Unchanged-at-\\$18,000-for-2016](https://www.irs.gov/uac/Newsroom/IRS-Announces-2016-Pension-Plan-Limitations%3B-401(k)-Contribution-Limit-Remains-Unchanged-at-$18,000-for-2016), archived at <https://perma.cc/G28S-9K6R>.