

- **Appeal Rights:** If the Committee denies a claim, is deadlocked, or the player is dissatisfied with the Committee's decision in any way, the player may appeal to the full Retirement Board for a complete review of the claim. On appeal, the Retirement Board will review all available materials, whether or not presented to the Committee, and will give no deference to the decision of the Committee. The Retirement Board conducts a full and fair and totally independent review of all appeals.
- **Retirement Board:** The Retirement Board has six voting members – three appointed by the NFLPA, and three appointed by the NFL.
  - **NFLPA-appointed voting members:** All distinguished retired players:
    - Tom Condon played for the NFL for 11 years, and served as President of the NFLPA while he was an active player. Today, he is an attorney and a top football agent with Creative Artists Agency.
    - Jeff Van Note played for the Atlanta Falcons for 18 years, and served as President of the NFLPA while he was an active player.
    - David Duerson played in the NFL for 8 seasons, was all-Pro in four years, and won two Super Bowl rings. Mr. Duerson attended Harvard Business School after retiring from the NFL and currently works in business.
  - **NFL-appointed voting members:**
    - William Bidwill, Owner of the Arizona Cardinals
    - Clark Hunt, Owner of the Kansas City Chiefs
    - Dick Cass, President of the Baltimore Ravens
- **Second Medical Exam:** On appeal, the player is sent, as required by federal law, to one or more new neutral physicians for additional medical examination. These physicians provide written reports on the Player's condition.
- **The Retirement Board decides all appeals based on the entire record.**
  - **Resolving Deadlocks:** 3 to 3 votes – of the Retirement Board are resolved by either:
    - **Medical Advisory Physician ("MAP"):** If the dispute is over a medical issue, such as whether a player medically is substantially unable to work, either side (the player-appointed trustees or the management-appointed trustees) can send the player to one of the Plan's top, pre-approved, neutral three doctors. These doctors are called "Medical Advisory Physicians"

(“MAPs”), and their medical decisions are binding on the Retirement Board. This final review will almost always resolve any deadlock between voting trustees.

- **Arbitration:** In rare cases – and this has happened only once in the last 14 years – the deadlock is resolved by arbitration between the members of the Retirement Board.
- **Players Can Appeal to Federal Court:** If a player is dissatisfied in any way with the decision of the Retirement Board, he has the right to file a lawsuit in federal court for benefits.
  - *Since 1993, the courts have upheld 96% of the Retirement Board’s decisions in lawsuits filed by retired players (in 24 of 25 decided cases)*
  - This record demonstrates the care with which the Committee and the Retirement Board decide pension and disability claims.

#### **D. FACTS ABOUT FORMER PLAYERS WITH PUBLIC CONTROVERSIES OVER DISABILITY ISSUES**

- **Brent Boyd**
  - Mr. Boyd played professional football in the NFL from 1980-1986.
  - Mr. Boyd is receiving total and permanent disability ("T&P") benefits under the Plan’s “Inactive” category, which provides a minimum of \$18,000 per year.
    - Mr. Boyd is receiving Inactive T&P benefits rather than Football Degenerative T&P benefits because the only doctor who was certain about the cause of his psychological and psychiatric problems – a neutral and renowned expert from Johns Hopkins University Medical Center - determined, to a reasonable degree of medical certainty, that Mr. Boyd’s problems *could not have been caused* by Mr. Boyd’s concussion in 1980.
    - Accordingly, he did not meet the standard for the highest level of payment, the football-related “Football Degenerative” T&P benefits.
  - Mr. Boyd first applied for T&P benefits in 1997; he claimed that he was unable to work due to orthopedic impairments, *never mentioning a football-related head injury in his application.*
    - After a Plan neural orthopedist opined that Mr. Boyd was capable of sales and other work, the Retirement Board denied Boyd's application.