

- Mr. Boyd did not challenge that decision by pursuing a federal court appeal.
- Mr. Boyd reapplied in 2000; he now claimed, *for the first time*, that he was unable to work due to a psychological disorder caused by a head injury that occurred in 1980.
- The Retirement Board referred Mr. Boyd for examination by a neurologist and a psychiatrist.
 - Both doctors indicated that Mr. Boyd was then totally and permanently disabled (i.e. substantially couldn't work) due to cognitive and psychiatric impairments. *But, both physicians also indicated in their written reports that they were uncertain what caused Mr. Boyd's disability.*
 - The player trustees wanted to award Mr. Boyd the higher Football Degenerative T&P benefit, but the management trustees would not agree, in large part because Mr. Boyd had not claimed head injuries in his 1997 application.
 - The Retirement Board awarded Mr. Boyd the Inactive T&P benefits (i.e. a minimum of \$18,000 per year where a player does not qualify for a higher category) on the basis of these reports, and agreed to further study the causation of Mr. Boyd's impairments for possible reclassification.
- To resolve the deadlock on causation, the Retirement Board referred Mr. Boyd to a pre-eminent neurologist at Johns Hopkins, Dr. Barry Gordon, who has particular expertise in memory, cognitive impairments, and head injuries.
- After an extensive examination by Dr. Gordon, which lasted well over an hour, Dr. Gordon concluded, "to a reasonable degree of medical certainty," that Mr. Boyd's impairments were *not caused by NFL Football*. Mr. Boyd and his attorneys were given repeated opportunities to provide a medical rebuttal, but never did. Contrary to Mr. Boyd's public statements, Dr. Gordon's assistant, who performed tests, had completed the course work for a Masters in Developmental Psychology at Hopkins (which she received two months later), was well-trained in testing and had performed that test on other patients at least a dozen times before Mr. Boyd, and still works as a consultant to John Hopkins.
- Based on this information, the Retirement Board concluded that Mr. Boyd did not meet the requirements for a football-related disability, and awarded him Inactive total and permanent disability benefits (the fourth T&P category, at a minimum of \$18,000 per year).
- Mr. Boyd sued the Retirement Plan in Federal District Court in San Diego. That court upheld the Board's decision and reasoning that Mr. Boyd's psychological