

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

SPID 100016063

combination of memory problems and physical changes,” no longer controlled his finances due to repeated forgetfulness that led to the gas being cut off in his home multiple times, no longer drove except occasionally within a five-mile radius of his house, did limited to no independent shopping, and often burned food when cooking due to “inattention.” Doc. 359394 at 3. The report also states that Mr. [REDACTED] lived with his fiancée and has “discontinued all employment after making numerous memory-related errors at work.” *Id.* at 4.

On September 4 and 5, 2024, Dr. [REDACTED], a Qualified MAF neurologist, examined Mr. [REDACTED]. Docs. 356575. Ultimately, she determined he qualified for a Level 2 Neurocognitive Impairment Diagnosis. Doc. 356575 at 4.

Dr. [REDACTED] reviewed Dr. [REDACTED]’s neuropsychological testing and a third-party affidavit that was submitted by Mr. [REDACTED]’s friend, [REDACTED], on August 30, 2024. Doc 356573. Mr. [REDACTED] reported that Mr. [REDACTED] “no longer works because of memory issue[s],” had stopped golfing, needed help shopping, needed reminders to wash and groom, and “doesn’t drive as [much].” *Id.* at 4.

Clinical notes from Dr. [REDACTED]’s examination of Mr. [REDACTED] state that he discontinued running his businesses around 2005-2006, worked as a high school football coach from 2009-2010, earned his bachelor’s degree in construction management in 2020, no longer oversaw any financial obligations, rarely drove and only within three to five miles of his home, no longer did household chores, needed assistance dressing and shaving his beard, no longer played golf or does yoga, and preferred to stay home instead of attending social gatherings. Doc. 356575 at 1, 4. Mr. [REDACTED] scored a 21/30 on the MoCA. Doc. 356578.

The associated CDR Worksheet states that Mr. [REDACTED] no longer worked and currently drove a car despite the risks due to poor thinking. Doc. 356649 at 4. Dr. [REDACTED] assessed individual scores of 2 for Community Affairs, Home & Hobbies, and Personal Care, for an overall CDR rating of 2. Doc. 356575 at 3.

Mr. [REDACTED] submitted this Claim on September 6, 2024. Doc. 356723.

On November 4, 2024, the Special Masters, in resolving an audit into the practices of Mr. [REDACTED]’s then-counsel Pro Athlete Law Firm, P.A., determined that other claims submitted by that firm could proceed only if the Claims Administrator could certify them as free from certain issues centered around affidavit production.²

Consequently, on December 3, 2024, the Claims Administrator notified Mr. [REDACTED] that his Claim had been placed in audit. Doc. 368735.

The audit ultimately focused on Mr. [REDACTED]’s work as an assistant coach with [REDACTED] from 2022-2024, several foundations he had registered in 2020 and 2022, and

² Special Master Ruling on Pro Athlete Law Firm, P.A., at 11 (Nov. 1, 2024), https://www.nflconcussionsettlement.com/ViewDoc.aspx?dp=pro_athlete_sm.pdf.

IRS records from 2020-2023. In response to questions in the audit, Mr. [REDACTED] stated that he did not consider his work with [REDACTED] as “employment” because he was an independent contractor. Doc. 369704. Mr. [REDACTED] further argued that he “did tell both doctors that I do some football camps” and that he does around “5 two-day camps per year and [is] paid a total of about \$6,000.00 total for the five camps,” working only “5 hours total during the two days of camp.” *Id.* In response to the records obtained from the IRS, Mr. [REDACTED] wrote that he did “zero work or preparation” for any of the [REDACTED] camps and worked at the camps for a total of 16 hours in 2020, 24 hours in 2021, 32 hours in 2022, and 44 hours in 2023. Doc. 372680.

Additionally, Mr. [REDACTED] while admitting that he had created certain foundations, asserted there was “no time involved” because “nothing ever happened” with them. Doc. 369704. Mr. [REDACTED] stated that he had created his foundation [REDACTED] to “inspire [his] children to get involved with construction management when they got older” and that he completed his degree in construction management in 2020 to “honor [his] mother, to inspire his children, and to try to keep [his] brain as sharp as possible.” Doc. 376368 at 2-3. Mr. [REDACTED] also explained that a business trip that the Claims Administrator had asked about was for pleasure, not business. Doc. 378398.

The Claims Administrator summarized that evidence in an extensive memo on April 9, 2025. Doc. 387005. It noted that:

multiple online sources show Mr. [REDACTED] is working as a coach for [REDACTED]. He is currently listed as a coach on their website, and on 2/28/24, [REDACTED] posted on their Facebook that Mr. [REDACTED] was on their coaching staff for their camp in Austin, Texas. On 3/14/23, [REDACTED] posted to their Facebook page with caption, ‘Come learn from former NFL stand out and [REDACTED] Coach [REDACTED]’ and he is also seen in photographs and videos coaching [REDACTED] children in 2020, 2017, and 2016.

Id. at 3. (cleaned up).

On April 10, 2025, the Claims Administrator concluded the audit without a formal adverse finding. Doc. 387186. Rather, on May 20, 2025, it asked Dr. [REDACTED] to review the audit memorandum and provide a response clarifying whether she wanted to reconsider the CDR findings in light of the late-arriving evidence. Doc. 392728. On June 3, 2025, Dr. [REDACTED] provided an addendum taking the Claims Administrator up on its invitation, and modifying her views:

[g]iven the new information provided by the Settlement Program Claims Administrator, I would like to amend my previous CDR score for Community Affairs from 2 to 1. However, based on the history provided by Mr. [REDACTED] his fiancé, and Mr. [REDACTED], it is my professional opinion that Mr. [REDACTED]’s overall CDR score is still 2. Thus, based on the history provided, results from Mr. [REDACTED]’s neuropsych evaluation on 5/29/2024, and my assessment on 9/04/2024, it is still my professional opinion that Mr. [REDACTED] meets criteria for qualifying diagnosis of Level 2 neurocognitive impairment.

Doc. 394731 at 2.

Though the audit had formally concluded, the Claims Administrator continued its verification process. On June 23, 2025, it contacted Mr. [REDACTED] to check on the information contained in the third-party affidavit he had submitted for Mr. [REDACTED]'s Claim. Doc. 397587. During the interview, Mr. [REDACTED] admitted that he'd seen Mr. [REDACTED] only five or six times in the last five years because he lived in a different state. *Id.* at 1. The last time he had seen Mr. [REDACTED] was "about a year ago" although they speak on the phone every two or three weeks. *Id.* Mr. [REDACTED] said he was aware Mr. [REDACTED] worked at some football camps, and that he thought Mr. [REDACTED]'s girlfriend drove him around. *Id.* at 1, 2.

And on June 23, 2025, the Claims Administrator contacted Mr. [REDACTED]'s fiancée, [REDACTED], to learn more about Mr. [REDACTED]'s employment, hobbies, and functionality. Doc. 397589. During the interview, Ms. [REDACTED] stated that Mr. [REDACTED]'s involvement with [REDACTED] has declined over the last several years, although she did not know whether this was due to [REDACTED] offering fewer camps. *Id.* Ms. [REDACTED] shared that [REDACTED] camps lasted up to six hours, and that Mr. [REDACTED] didn't do much other than read drills off notecards provided by [REDACTED]. *Id.* Ms. [REDACTED] also explained that Mr. [REDACTED] is "capable of driving" but that she limits his driving because he gets lost. *Id.*

On July 3, 2025, Mr. [REDACTED] provided a response to the investigator's conversations with Ms. [REDACTED] and Mr. [REDACTED], which disputed some of what they had relayed. Doc. 398070.

On August 5, 2025, the Claims Administrator denied Mr. [REDACTED]'s Claim. Doc. 401963. Central to its conclusion was the view that Mr. [REDACTED] retained too much function to be eligible for a Level 2 Neurocognitive Impairment Award. *Id.* The Denial Notice first summarized the findings of Mr. [REDACTED]'s examinations. It then continued:

Following Audit of the claim from 12/3/24 to 4/10/25, new and additional information was added to the file. It indicated the Player reported that his LLC, [REDACTED], had no function and was created to inspire his children and was not a real business (Doc ID 378398). However, the Player also said that he continued to work as an independent contractor football coach for [REDACTED], was paid to participate in five two-day football camps per year and ran drills and gave grades to players in the camps (Doc ID 369704). The new and additional information in the memo describing the Player's continued ability to work directly contradicts statements about his inability to work reported by Dr. [REDACTED], the neuropsychological evaluation, the third-party affidavit, and the CDR Worksheet, calling into question the reliability of the information in the evaluation about his functional abilities.

Additional information was provided about the Player's participation in the football camps and clarified that he did not drive even if physically capable of doing so.

An addendum by Dr. [REDACTED] indicated that the score for Community Affairs should be 1 instead of 2 but that the scores for Home/Hobbies and Personal Care would still be 2 and consequently the overall CDR score would also still be 2. However, Dr. [REDACTED] did not address the issue of the inconsistencies regarding the Player's ability to work and drive as reported in the memo and interviews, compared to what was initially reported. Specifically, Dr. [REDACTED]'s initial examination note reported the Player no longer worked and rarely drove, the CDR Worksheet also reported the Player no longer worked but continued to drive, Dr. [REDACTED] reported the Player did not work and no longer drove but then also reported the Player had limited driving within a five-mile radius, and the third-party affidavit reported the Player no longer worked and did not drive much.

So, the information reported in each of these documents all agreed that the Player no longer worked but was able to drive to some extent. However, the information in the audit memo and the interviews clarified that the Player continued to work but did not drive even if physically able to do so (presumably indicating that he was not cognitively able to drive). *Consequently, the information in the memo and in the interviews indicated that the information supplied by Dr. [REDACTED], Dr. [REDACTED], the CDR Worksheet, and the third-party affidavit was not reliable, at least pertaining to working and driving, which would affect the score for the CDR category of Community Affairs.*

According to the developers of the CDR, "The necessary information to make each rating is obtained through a semi-structured interview of the patient and a reliable informant or collateral source (e.g., family member)." Because of the noted inconsistencies, the information about the Player's functional abilities as a whole cannot be considered reliable; therefore criterion (iii) is not fulfilled because the functional abilities and consequently the CDR scores cannot be reliably determined.

Id. (breaks added, internal citations removed, and emphasis added).

On August 20, 2025, Mr. [REDACTED] timely appealed. Doc. 403962.

After his Appeal had been filed, Mr. [REDACTED] switched counsel to [REDACTED]. Then, in December 2025, the Claims Administrator again determined that his original counsel Pro Athlete Law Firm, P.A. had engaged in material omissions and misrepresentations in its claim submissions after an audit connected its submission of Parkinson's Disease Claims. This Appeal was paused while that audit and Pro Athlete's prior audit were in progress, but then restarted. The NFL Parties' response to Mr. [REDACTED]'s August 2025 Appeal was ultimately timely filed on May 6, 2026. On June 9, 2026, the Special Masters issued a Rule 27 decision which (among other things) determined that Pro Athlete should be precluded from filing future claims in the Program.³ That decision says nothing about claims like Mr. [REDACTED]'s.

³ Special Masters' Rule 27 Decision on the Report of Adverse Finding Regarding Douglas Grossinger, Feder Law, Pro Athlete Law Firm, Syme Law, Reppert Oates & Vytell, and Associated Class Members, at 43 (June 8, 2026), https://www.nflconcussionsettlement.com/ViewDoc.aspx?dp=rule_27_20260608_sm.pdf.

Meanwhile, while the Appeal was pending, Mr. ██████ began an entirely fresh Claim with the assistance of his new counsel, ██████

RESOLVING THIS APPEAL

Mr. ██████ was diagnosed with a Level 2 Neurocognitive Impairment—an impairment suggestive of a “profound” loss of cognition and function.⁴

The Claims Administrator sought expert review to harmonize evidence obtained during formal audit and its sufficiency review process with the picture of Mr. ██████ generated by the contemporaneous-to-exam third-party affidavit and the medical records generated by Dr. ██████ and Dr. ██████. This expert review ultimately led to the denial of Mr. ██████’s Claim due to inconsistent, and thus unreliable, reporting. This was entirely appropriate, and consistent with how previous claims considering late-arriving evidence have handled inconsistencies in the record.⁵

The contradictions between Mr. ██████’s clinical reports and the late-arriving evidence materially undermined the reliability of reports submitted in support of his Claim. Indeed, that underlying clinical record already contradictory: Dr. ██████ reported that Mr. ██████ had not worked since 2010 and rarely drove, but also that he continued to drive despite difficulties; Dr. ██████ reported that Mr. ██████ no longer worked or drove, but also that he occasionally drove within a five-mile radius of his home; Mr. ██████ reported that Mr. ██████ no longer worked or drove at all. Doc. 401963.

The audit then uncovered findings that deepened these contradictions. It turned out that Mr. ██████ had continued to work as an independent contractor for ██████ until 2024 and created several businesses between 2020-2022. Doc. 387005. This late-arriving evidence specifically undermined Dr. ██████’s report that Mr. ██████ had not worked since 2010 and stopped running businesses around 2005-2006. Doc. 356575 at 1.

Despite asserting that he shared his involvement with ██████ with Dr. ██████ and Dr. ██████, none of the clinical reports discuss Mr. ██████’s work with ██████. Doc. 387005 at 3. Dr. ██████ did not clarify this inconsistency following the conclusion of the audit. Further, although the third-party affidavit submitted with the Claim stated that Mr. ██████ no longer worked, Mr. ██████ later revealed to investigators that he was aware Mr. ██████ worked at some football camps. Doc. 397587.

To be clear, none of this evidence was individually dispositive, and it is not clear whether Mr. ██████ failed to disclose it to his examining doctors or whether they failed to record what he

⁴ In re: Appeal of SPID #100010491, 2024-6 (Mar. 29, 2024), at https://www.nflconcussionsettlement.com/ViewDoc.aspx?dp=functional_impairment_alt_cause_sm.pdf.

⁵ See In re: Appeal of SPID #100016045, 2023-6, (Mar. 27, 2023), at https://www.nflconcussionsettlement.com/ViewDoc.aspx?dp=physician_certification_testing_SM_2.pdf; In re: Appeal of SPID #100017117, 2025-6, (Apr. 8, 2025), at https://www.nflconcussionsettlement.com/ViewDoc.aspx?dp=late_evidence_deference_sm.pdf.

told him. The point is that the record now is muddled with facts that are hard to reconcile, and, on that, it was entirely appropriate for the Claims Administrator to determine that the evidence of Mr. [REDACTED]'s functional impairment did not sufficiently support Qualifying Diagnosis for which he sought recovery. I find no clear and convincing evidence of error in the Denial.

CONCLUSION

I deny the Appeal. Mr. [REDACTED] remains free to file a new Claim.

Date: June 24, 2026



David A. Hoffman, Special Master