

Sports Law

Can a Tennessee Titan Seek Workers' Comp in California?

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Football is a violent game, and many of the warriors who play it professionally find their careers cut short by brutal injuries. Even those players who are able to complete an entire career without incident may find themselves plagued by disabling pain and lingering injuries during their retirement years. Some of these players will file workers' compensation claims in the state where their team is based. But what happens when a player starts his career in Texas, finishes his career in Tennessee, and then files his workers' compensation claim in California? Is such a claim permissible? In ***Matthews v. Nat'l Football League Mgmt. Council*** (9th Cir. Aug. 6, 2012), the NFL Management Council (NFLMC) and the Tennessee Titans argued "no," and in light of the facts of the case, the Court of Appeals for the Ninth Circuit agreed.

Oilers and Titans fans will remember the plaintiff in *Matthews*, Bruce Matthews, as one of the greatest linemen ever to play the game. During his nineteen-year career in the NFL (1983-2001), Matthews played in fourteen Pro Bowls, and never missed a game due to injury. But approximately five years after retirement, Matthews filed a workers' compensation claim in California, citing ailments that had accrued over the course of his long career.

By filing his claim in California, Matthews disregarded the provision of his employment contract which stated that all workers' compensation claims would be decided under the laws of the state of Tennessee. As a result, the NFLMC and the Titans filed a grievance against Matthews and the grievance was arbitrated.

When the arbitrator ordered Matthews to "cease and desist" from seeking benefits in California, Matthews filed suit in federal district court to vacate the decision. When the court upheld the arbitrator's decision, Matthews appealed. He argued that the arbitrator's award violated California public policy, which militates against agreements that purport to waive an employee's right to seek California workers' compensation benefits. The Court of Appeals for the Ninth Circuit, however, was not persuaded.

In reaching its decision, the Court noted that Matthews did not play for a team in California, he had suffered no discrete injuries in California, and he had never received any resulting medical treatment in California. In fact, during his entire nineteen-year career, Matthews had only played thirteen games in California. Thus, the Court reasoned, "it is not clear that Matthews' workers' compensation claim [even] falls within the scope of California's workers' compensation regime." Because Matthews had "not shown that the arbitration award [was] contrary to a clear, well-defined and dominant, public policy of the state of California," the Court upheld the district court's confirmation of the arbitration award.

However, the Court was careful to limit its ruling to cases with fact-patterns similar to *Matthews*, where the employee has had extremely limited contacts with the state of California. "To be precise," the Court explained, "we do not hold that employers may use binding arbitration of choice of law clauses as a means to evade California law where it would otherwise apply." Had Matthews been a 49er or a Raider or a Charger, perhaps the result would have been different.