



What It's Like To Navigate The NFL's Concussion Settlement Hellscape



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Illustration: Elena Scotti (GMG), Photo: AP

George Andrie has always been a devoted father to Mary Brooks and her six siblings. But with the benefit of hindsight, Brooks also sees that something was always a bit off about her dad, going back to when she was a child. The outgoing

guy she always knew suddenly became less socially engaged in the early 1980s, about 10 years after Andrie retired from the NFL.

“He was definitely a family man; I want to make it totally clear that he was a loving father,” Brooks said. “I just thought that he was needy. I thought he was middle-aged, grumpy. I knew that he was withdrawn and a little distant and had a very hard time with social situations and things like that—and he didn’t used to be that way.

“But we didn’t know. If you look back now, the man suffered forever. It all makes sense now.”

Andrie, 78, played defensive end for the Dallas Cowboys from 1962 to 1972. A member of the original Doomsday Defense, he played in five Pro Bowls and was a first-team All-Pro once—an all-timer for the franchise that proudly sells itself as America’s Team. Andrie recovered a fumble for a touchdown in the legendary Ice Bowl game against the Green Bay Packers. He won a ring in Super Bowl 6. He knocked Johnny Unitas, the Hall of Fame quarterback for the Baltimore Colts, out of the game with a hit in Super Bowl 5.

“Which used to be awesome,” Brooks said of her dad’s knockout of Unitas, who broke his ribs on the play. “Not anymore.”





George Andrie of the Dallas Cowboys knocks Johnny Unitas of the Baltimore Colts out of the game in Super Bowl 5.
Photo: courtesy of Mary Brooks

Andrie is one of nearly 2,300 retired NFL players or family members of players who have filed claims under the NFL's concussion settlement, which was reached last year after a class-action lawsuit filed on behalf of thousands of former players alleged that the NFL "was aware of the evidence and the risks associated with repetitive traumatic brain injuries virtually at the inception, but deliberately ignored and actively concealed the information from the Plaintiffs and all others who participated in organized football at all levels."

The process has been beset with problems since the settlement became final. According to the most recent report from BrownGreer, the Richmond-based law firm serving as claims administrator, some 70 percent of the 1,343 claims processed thus far have either been denied outright, denied following an audit, or sent back with requests for more documentation. The settlement has been particularly slow to approve dementia claims, which make up more than half of the total submitted (qualifying diagnoses also include death with chronic traumatic encephalopathy (CTE), Alzheimer's, Parkinson's, and ALS). Of the 1,160 dementia claims received, according to the latest claims report, just 11 have been paid out, with another 127 approved but not yet paid.

After he twice put his life in danger as a result of memory loss, Andrie was diagnosed with dementia by a neurologist and a separate neuropsychologist in 2014. Another neurologist who examined him agreed with that diagnosis in April 2017. Also last year, Andrie was approved for the NFL's 88 Plan, which provides medical benefits to retired players suffering from dementia, Alzheimer's, and Parkinson's. That approval, which was granted by a board of league executives and former players, came after Andrie was evaluated and diagnosed by an 88 Plan neurologist. Taken together, that's four qualified doctors and four conclusions of dementia. Andrie now requires a 24-hour caregiver at his home in Waco, Texas, about an hour from Brooks' home in Austin.

Yet Andrie's settlement claim, filed by Brooks on his behalf, was denied. Twice. The first denial was issued in February, some six months after Brooks submitted her father's materials. The denial letter was scattershot and riddled with mistakes—as though it had been written by a robot—with information from one doctor's assessment attributed to an entirely different doctor. The claims administrator acknowledged the mistake and granted a do-over.

The second denial was issued a few weeks later. Both decisions were made by neurologists, but neither had personally examined Andrie. The panel was simply tasked with validating the findings of the doctors who had already assessed him. Yet the panel appeared to use an exacting standard to evaluate Andrie's claim status even though a more generalized one is required by the settlement.

The original Dallas Cowboys Doomsday Defense (l-r): George Andrie, Jethro Pugh, Bob Lilly, Larry Cole.
Photo: courtesy of Mary Brooks

Brooks has power of attorney for her father, and she submitted an appeal, which the settlement process allows for denied claims, and for which she was required to front \$1,000. On May 1, she learned her appeal was remanded back to the panel that initially denied the claim for an additional review “based on the new evidence submitted,” according to an email she received from a BrownGreer project manager. She was also told she’d be getting her \$1,000 back and that a new determination would be made soon. For Andrie and his daughter, it was a breakthrough to learn that the appeal would be evaluated, but by no means was it a victory. The claim could be denied again, or the NFL could drag things out even further with an audit, as it’s reportedly done with roughly half of the claims submitted. Per the latest claims report, 10 percent of all processed claims (139 out of 1,343) have been denied following an audit.

“I’m not getting my hopes up,” Brooks told me.

And why should she? Every step of the process has been met by some kind of confusion or delay. Brooks is long past the point of trusting the motives of the NFL or those charged with representing the interests of the concussion settlement’s claimants.

“The public needs to know [what] the NFL really is,” Brooks said. “That’s my biggest mission is just to expose them for who they are.”

Andrie is just one of hundreds of former NFL players suffering from dementia who have been forced to endure the maddening labyrinth of the claims process. Many are reluctant to speak up out of fear of having their claims rejected. But Brooks no longer cares about such niceties. She has documented every step of the process and shared her files with Deadspin: correspondence with the class counsel and the claims administrators, the two denials, her appeal letter, her father’s medical records.

Brooks readily acknowledges that her family doesn’t *need* the settlement money, at least in a life-or-death sense—her father did well for himself after retiring from the NFL, though their family is by no means wealthy. The most he can receive under the settlement agreement is \$158,000. But she knows many other claimants do need that money, and that they’re running out of time. The obfuscation and the foot-dragging are what galls her. She wants the world to see what a lot of these players and their families are going through.

“That’s why I keep talking about this and I keep shooting my mouth off—because I’m so tired of the injustice in this,” she said. “I don’t mean to go off on a tangent, but I’ve hit about the end of my rope with this deal.”

After his playing career ended, Andrie worked for a beer distributorship with Hall of Famer Bob Lilly, a fellow member of the original Doomsday Defense, and opened a specialty advertising business. Brooks is the fifth of seven children Andrie raised with his wife of 55 years, Mary Lou, whom he met by accidentally stepping on her foot in the cafeteria line when they were both undergraduates at Marquette University.

Andrie had multiple scholarship options, he said in the Sports.edu video embedded below, which is narrated by ESPN's Linda Cohn, but he chose Marquette because it's a Catholic university. "My mother said a good Catholic boy should go to a good Catholic school," Andrie said. The school dropped football between his junior and senior years, so Andrie transferred to Tulsa to keep playing, but he didn't stay long. "After about three or four weeks, I was thinking about the gal I met at Marquette," he said. Andrie re-enrolled, and even though he didn't play football at all his senior year, he was selected in the sixth round of the 1962 draft.

Mary Lou did the housework, and Andrie provided for the family. Brooks said her father instilled a strong work ethic in his children. He was loving and attentive, but when he wasn't working, Brooks said, he could be distant, exhausted, short-fused. She said her father knows now that something was always not quite right in his head, but Andrie lived by a football player's warrior code. It was never anything he could admit to anyone. "They suffer silently," Brooks said.

Andrie and Mary Lou eventually retired to a lake house in Andrie's native Michigan. He decided to seek the opinion of a neurologist in 2014 after a couple of frightening incidents: failing to navigate a curve while driving on a familiar road, and a fishing excursion on Lake Huron in which he completely forgot where he was while alone on his boat. "He didn't have a cellphone," Brooks said. "Luckily, he made it home. I don't even know how, but he made it home. And then it just got worse from there."

Nowadays, Andrie can only walk short distances, the result of a botched hip replacement from a few years back. He walks with a cane and uses a wheelchair, and he no longer drives. "We worry about him falling," Brooks said. He had a difficult time accepting the loss of his independence, but now he's made a certain peace with it. The ravages of age can be brutal, but Brooks said she and her family are fortunate to still have him in their lives. She knows women whose husbands are in their 40s and suffering from debilitating ailments like ALS. Not all grim realities are created equal.

"How do these people have a voice to defend themselves?"

The settlement itself is so dense it has more than 300 Frequently Asked Questions associated with it. It took me weeks to parse it, and even then I sometimes had to bounce my understanding off a source with a solid grasp of what it all means. Now imagine being a retired player or a family member trying to do that without the means to enlist a good lawyer.

Brooks described her efforts to secure her dad's settlement money as "a full-time job." And her life is plenty busy without it. She's the part-owner of a hair salon in Austin. Her husband of 22 years works as a project manager, and

together they're raising a 12-year-old daughter. "I was telling my husband how I just wanted to get this finished so I can be normal again," Brooks told me last week. "It's taken a not-so-good toll. My family has sacrificed so much."

Because Andrie's diagnosis predated the final settlement agreement in January 2017, he had the option of being examined by a neuropsychologist and a neurologist as part of its Baseline Assessment Program (BAP), or to have his diagnoses reviewed by the settlement's Appeals Advisory Panel (AAP). Brooks chose the latter because it wouldn't require any additional exams and offered the potential for a higher claim, based on her father's age at the time. (The settlement is structured to progressively reduce payouts for older players.) She submitted her claim in August 2017, shortly after her father was approved for the 88 Plan, which was established by the league in conjunction with the players association and is independent from the settlement—sowing confusion for families like Andrie's whose dementia diagnoses have already been certified under one NFL-affiliated plan. Under that plan, Andrie qualifies for up to \$118,000 in annual reimbursements for dementia-related out-of-pocket medical expenses, most of which covers the in-home caregiver who is with him 24/7.

According to the settlement, any diagnoses made before the agreement's effective date must be "generally consistent" with the BAP's diagnostic criteria for two levels of neurological impairment to be eligible for a claim payout: Level 1.5 (early dementia) and Level 2.0 (moderate dementia). Section 6.4(b) of the agreement even goes so far as to say the following (emphasis added):

For the avoidance of any doubt, the review of whether a Qualifying Diagnosis is based on principles generally consistent with the diagnostic criteria set forth in Exhibit 1 (Injury Definitions) **does not require identical diagnostic criteria, including without limitation, the same testing protocols or documentation requirements.**

George Andrie (front, center) surrounded by his wife, Mary Lou (fourth from left) and their seven children. Andrie's daughter, Mary Brooks, is standing next to him with her hand on his arm.
Photo: courtesy of Mary Brooks

Soon after it was finalized, the concussion settlement looked like a disaster. There have been allegations of predatory lending to players in advance of their claims. There's a nasty internecine legal battle brewing. Numerous motions have been filed against Seeger Weiss, the court-appointed law firm representing the settlement class. A motion filed last month by Gene Locks, a Philadelphia attorney who represents more than 1,000 players, sought to have Locks' law firm added as administrative counsel to represent the class because, they allege, Seeger Weiss isn't doing enough on behalf of the settlement class. Mary Brooks, representing herself as her father's power of attorney, tried to file her own joinder motion that included a letter signed by the wives of more than 100 former players, but it never made it to the court docket.

Two weeks ago, *Outside The Lines* reported that Seeger Weiss never disclosed to the court that partner Christopher Seeger had served on the board of a bank that was making loans to players as an advance on their settlement claims. Seeger Weiss has control over \$112.5 million in attorneys' fees carved out from the common fund, of which it stands to collect roughly \$70 million for itself, and has requested an additional 5 percent surcharge on any payouts to cover future work on the case. Just last week, a group of 16 class members petitioned the court to reconsider those fee awards, saying they "will work an irrevocable and manifest injustice on every class member."

Judge Anita Brody of the U.S. District Court for the Eastern District of Pennsylvania, who is overseeing the settlement, rejected Locks' motion, writing in a brief order issued April 19 that Seeger Weiss is doing a "fine job" of "protecting all Members of the Class." Locks has since refiled papers asking Brody to reconsider. A phone call to Seeger's office was redirected to the firm's communications director. A voicemail left with the communications director was not returned.

The settlement is uncapped, but it is expected to cost the NFL approximately \$1 billion to settle roughly 20,000 claims. However, a number of former players have alleged in recent court filings that the league is doing all it can to limit its financial exposure by aggressively auditing dementia claims, which are harder to diagnose than ALS, Parkinson's, Alzheimer's, or death with CTE. Dementia sufferers have frequent moments of lucidity, a fact the NFL is using to play hardball in the name of combating what it characterizes as "deep and widespread" fraud within the system. These tactics are of a piece with the league's history of denial and its manipulation of the science that links football with repetitive brain trauma—the very circumstances that set the settlement in motion.

And George Andrie is just one of the ex-players now caught in the thick of it all.

Brooks shared with Deadspin the results of the evaluation her father had done with Michael Hayes, a neuropsychologist in Traverse City, Michigan, on Sept. 11, 2014. "Mr. Andrie has a history of frequent concussions which have occurred from high school through his tenure with the Dallas Cowboys," Hayes wrote.

“He reported that in his history of playing football there have been many times when he has had a concussion. He remembers being dizzy after a play, and that it was common to ‘get your bell rung, but you had to keep playing.’”

From Hayes’ report on Andrie (all highlighting added):

And:

Hayes added Andrie “participated adequately in the evaluation process as these results did not indicate any presence of malingering,” or someone trying to tank the test. The doctor’s conclusions included this:

And this:

Andrie and his wife moved to the Waco area two years ago to be closer to family. On April 19, 2017, Brooks took him to see a local neurologist, Randy Gardell. CTE, the brain disease associated with repetitive head trauma, cannot be diagnosed definitively in living patients. But Gardell's assessment of Andrie, which included abnormal results from an MRI and normal readings from an EEG (with a notation that "prior studies had shown left temporal sharp waves," or partial seizures, for which Andrie takes medication), said the following:

On Aug. 7, 2017, Brooks took Andrie to San Antonio to see neurologist Eric Brahin. This was the evaluation that would determine Andrie's qualifications for the 88 Plan, which was created several years before the lawsuit that led to the settlement was proposed. Brahin examined Andrie and reviewed his medical history dating back to 2003. The doctor's conclusion:

That same month, Brooks submitted her father's settlement claim to the AAP. Only the 2014 diagnoses would be considered, but she sent along the two 2017 records as supporting documentation. On Feb. 9 of this year, her father's claim was rejected. This was the reason given:

That's quite a word salad, so much so that it strains credulity to think a certified neurologist actually wrote it. Among the reasons cited for the denial was Hayes' notation that Andrie had scored a 21 out of 30 on the Montreal Cognitive Assessment (MoCA), a common test for screening cognitive impairment. But it was Brahin who had noted that in 2017, not Hayes in 2014. And a 22.1 on MoCA is indicative of mild cognitive impairment, so why would a 21 be held against Andrie? And why was Hayes' impression that Andrie's "overall appearance is neat and well kempt" a strike against Andrie? All of this infuriated Brooks, since her father has a full-time caregiver and a family that makes sure he looks presentable. "We take care of him!" she said.

On March 5, Brooks discussed the denial in a phone call with Orran Brown, the attorney whose firm is handling the claims administration. Brooks shared a recording of that call with Deadspin. Brown agreed that the AAP's assessment was based on several errors and gave Brooks his personal cellphone number. He also politely told her he'd look into what happened and assured her she could submit exhibits, including medical records, along with her five-page appeal. (According to the settlement, exhibits may be submitted with an appeal, but appellants "may not refer to or offer any new evidence that was not before the Claims Administrator.") When Deadspin reached Orran Brown by phone, he referred all questions to the NFL and to Christopher Seeger.

But before Brooks had submitted her appeal, she was issued a second denial on March 16, in what reads like a mulligan on the mixed-up initial decision. The AAP doctor seems to have gone far beyond the "generally consistent" standard outlined in the settlement agreement, appearing to cherry-pick from specific criteria and citing factors without context to justify another denial.

This decision takes elements from the notes of Charlene Sweeney, the first neurologist to evaluate Andrie in 2014 (she diagnosed him with dementia), with another reference to his clean general presentation (“appearance normal”). Personal care is indeed one of the metrics used as part of the Alzheimer’s Foundation of America’s Clinical Dementia Rating table, one of the factors that can contribute to a dementia claim as defined by the settlement. Those personal-care ratings directly refer to a patient’s ability to account for his own grooming and hygiene. Yet nothing in any of Andrie’s medical records makes reference to his ability to care for himself, or whether his caregiver or his family has to do it for him. The AAP, in denying his claim both times, simply assumed he was capable of cleaning himself up, when in fact his family had a hand in that.

The AAP also asserted that Hayes did not test Andrie’s language skills, when the records Brooks shared with Deadspin show that he did. It also cited the areas in which Andrie scored within a normal range, while discarding those in which he failed to do so. Andrie’s 21/30 on the MoCA and Brahin’s “mild dementia” diagnosis were noted but dismissed because Brahin did not administer any additional neuropsychological testing. Brahin’s report did, however, note that Gardell gave Andrie a cognitive exam earlier that year. None of that was noted in the denial, which was written by someone who never actually examined Andrie.

“They’ve made up their own dementia diagnosis that don’t exist in medicine,” Brooks said. “They will pick out something in your medical records.”

Mary Brooks is angry. She’s been operating, as she put it, “like a detective” for some time now, trying to make sense of the settlement and what’s required of her. She’s had a lawyer assist her on occasion on a pro bono basis, but her real worry is the former players and their families who don’t have such resources at their disposal, the ones who are left to slog through this mess on their own.

“How do these people have a voice to defend themselves?” she asked. “These guys need a voice, and that’s why I do this. Because these guys deserve dignity, and they deserve a voice. It is so wrong, and I will never shut up about it because it’s so wrong.”

On April 14, two days before her deadline, Brooks submitted a five-page appeal, along with the exhibits of her dad’s medical records, and the \$1,000 the appeal requires. She was supposed to receive an email confirmation but initially didn’t, which prompted new worries and a round of frantic phone calls to the claims administration’s hotline. (She also sent several texts to Orran Brown, the lead claims administrator, thinking she was contacting the cellphone number he

willingly gave her, only to later discover she had been mistakenly texting his office number. Brooks maintained she left one voicemail at Brown's office that Brown did not return on March 13, but Brown told Deadspin his staff did get back to her to answer her question.*) Yes, someone eventually assured her, the appeal was received.

“The real reason why I fight this thing like I do is because this is so much bigger and broader than anyone knows.”

Then, on May 1, Brooks received a pair of emails that said her appeal would be remanded back to the AAP. A project manager at BrownGreer, the claims administrator, emailed to say they would “review the claim again and issue a new determination notice soon.” And so she keeps waiting.

Brooks' appeal letter concluded with a blistering critique of the NFL and the settlement process:

I could write a book about the injustice of this settlement. I could write another one about the years of the NFL's cruel and horrible disability denials, and their 88 plan denials. I could write a 3rd about the corrupt and heartless system of the NFL that leaves players suffering, and then denies any wrongdoing or responsibility for it. ... Would you let this happen to your Dad? Your brother? Your dear friend? Why won't the class counsel who supposedly “fought for them” not fight on behalf of them now? It's just too sad and painful that these players and their families put their faith in a system that has epically failed them.

In phone calls and email exchanges with Mary Brooks stretching back nearly three months, she made it clear to Deadspin that she has no fear of her outspokenness affecting the status of her father's claim. Her dad's caregiver costs \$70,000 per year, and even though the 88 Plan reimburses the family for that, his maximum settlement payment would cover only a little more than two years of the cost of the caregiver. But her battle isn't really about money.

“I'm going to be honest with you—that means nothing to us,” Brooks said. “The thing that kills me is there are people that are losing their homes. There are guys in their 50s and 60s, and they can't generate an income. They blew all their money because they have stupid CTE in their brains and they can't generate an income. The real reason why I fight this thing like I do is because this is so much bigger and broader than anyone knows.

“It's very easy to take an old guy like my dad and say, ‘Well, he's old anyway.’ He is. He's old. He's at the end of his life. He is not out on the street, foreclosing on a home, and all that. But I know people who are. They're in their 50s and they're scared to death their husband's going to kill them. It's so bad. It's so wrong.”

** An earlier version of this story incorrectly stated that Orran Brown did not respond to several inquiries Mary Brooks sent to him after their initial conversation.*

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