

Editorial: Professional athletes ripping off California

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Workers who are hurt on the job deserve to be compensated quickly and fairly, even if those workers are pro football, baseball, basketball, hockey or soccer players.

That's the fundamental point of the workers' compensation system on which all workers depend. But fair cuts both ways, and professional athletes claiming cumulative injuries incurred during the course of their careers have been abusing the California workers' compensation system.

In an article last month, *Los Angeles Times* reporter Marc Lifsher described how retired athletes tap into California's generous workers' compensation system to collect six-figure settlements for cumulative trauma, even though they played only a fraction of their games in California, or may never have played here.

Many of them are big-name players who earned huge dollars. Others attained neither fame nor fortune.

Just as some players cheat the game by taking performance-enhancing drugs, others are threatening the integrity of the workers' comp system, to the detriment of California businesses and ultimately California workers. The Legislature is confronting the issue, as it should. Billionaire owners and millionaire players have hired blue-chip lobby firms and consultants.

The California Insurance Guarantee Association is the entity

that pays workers' compensation claims when workers' comp insurance companies become insolvent. California employers – not just professional sports teams – pay into the California Insurance Guarantee Association.

In a letter to Assemblyman Henry T. Perea, D-Fresno, the association in December said that California residents account for only 373 of its 1,873 claims from professional athletes.

The number of claims from retired athletes is growing at an alarming rate – 34 per month, as of December. The association had to add four claims adjusters to handle the influx of athletes' claims.

The letter cited several issues that should alarm lawmakers, employers and workers. Athletes who played only one day in California, or suited up but sat on the bench, can receive compensation from California's workers' comp system. Athletes can file claims whether or not they were injured on a California field or court.

The letter notes that players file claims in their home states and receive compensation. Because of the laxity of California's law, California judges can award full benefits to out-of-state players.

Adding to the complexity, the letter noted, "an athlete who last played 20 or 30 years ago is not barred from filing a claim today."

California cannot afford to be the bank for out-of-state athletes and their lawyers. The guarantee association's deficit hovers at \$2 billion.

California employers – not just sports teams – paid \$78 million toward reducing that deficit last year.

Since 2002, the state guarantee fund has paid \$42 million in claims to professional athletes. The cost of processing the

claims was \$1 million a year. The largest number of claims come from Texas and Florida, states favored by wealthy athletes because, unlike California, they impose no state income tax.

One reason is attorney Dave Levine and his business, Pro Athlete Consulting, based in Florida. On his website, Levine all but promises retired athletes that he can get money from California, no matter where they live or played their games.

Perea has proposed Assembly Bill 1309, which would deny California benefits to pro baseball, basketball, football, hockey and soccer players whose teams are not based in California and who came here only occasionally for games.

The fix seems simple – though in the Capitol, nothing ever is easy.

California's system should take care of injured athletes who played the bulk of their time California, quickly and fairly. But if they played for teams in Texas, Florida, or any other state, those states need to take responsibility.