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# Worker's Compensation and Scholarship Athlete's Are they protected?

by

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## Introduction

The issue of student-athletes and what their role is to the institution that they play for, has long been one of argument. There are beliefs that a student playing big time college sports is no different than the student who plays intramural sports. Some will argue that the stress, expectations, and obvious favoritism given to big time college athletes would constitute them as being professional athletes. There are arguments that the scholarships that the athletes are awarded or given are no different than a salary.(1) There is no doubt that athletes sacrifice a great deal to play sports at the Division I level and that they generate substantial income for the school they represent, as well as the NCAA.(2) The NCAA signed a television deal with CBS for a billion dollars for the right to televise the basketball championships for eight years.(3)

In the last thirty-five years there have been a few that have stepped forward and challenged the schools they attended and the NCAA.(4) The issue at heart is injuries that occurred while representing their schools and the NCAA. These are not ankle sprains, turf toe, or even ACL tears. They are catastrophic injuries that have followed, changed, and even ended student-athletes careers and life, as they previously knew it. Who is responsible for these injuries? The bills, some in the hundreds of thousands of dollars, who pays?(5) The argument of these athletes, injured and non-injured, is that they came to school to play a sport and to better themselves as athletes and as people. They leave school, in some instances, unable to do what they were able to do before they arrived.

Is catastrophic injury while playing big time college sport an assumption of risk that the student-athlete is aware of? Is that the reason that there are not more lawsuits being filed? Athletes are hurt everyday, some career ending, so why are there not more grievances? Are the ones who have brought their case to court trying to soak the system? Are what they're asking a right of the student-athlete?

The NCAA has done some investigating into this matter and has come up with some ways to protect these athletes. Is what they offer enough? Wally Renfro, a NCAA spokesman, has been quoted as saying, we recognize that student-athletes who have injuries should have insurance coverage. We (the NCAA) don't believe worker's compensation is the solution.(6) The reason that worker's compensation is not the solution could be that the NCAA would then have to view some student-athletes as employees. If that were to be the case than the NCAA would really have a lot of work to do. It probably would create a whole new set of rules on which college athletics would need to be governed. The NCAA is currently a not-for-profit group that enjoys a shield from income taxes, antitrust scrutiny and a handful of labor practices.(7) Would that change if worker's compensation were to be awarded? Should that change so that worker's compensation can be awarded?

There are issues out there on who is protecting these student-athletes. There are millions

and billions of dollars being made, yet no one seems to want to address how to take care of the people really making the money. There are seventeen-year old kids attending colleges and universities throughout this country. They go to school with eyes as big as the sky and in some cases, albeit rare, but in some case come out not being able to walk. How do we help these people?

The issue of worker's compensation and who should benefit from it is answered in courts and in written laws. What is written in those laws that says that student-athletes are not employees? What is worker's compensation? A review of the worker's compensation law and how it works will be investigated. How could the worker's compensation law benefit the student-athlete, if it can at all?

## Review of Literature

Workers Compensation Law

The first thing that you need to do when dealing with the issue of workers compensation and student athletes is to understand what workers compensation is. The history of the law, who it benefits, and what it covers are important issues that need to be looked at for a topic such as this. In the real world that is not the world of college athletics, but of everyday business some still believe that workers compensation is there to benefit or protect only the employee. While this is true in the sense that it does greatly benefit the employee it also serves the purpose of protecting the employer from unnecessary litigation and further expenses.

Workers compensation provides income benefits, medical payments, and rehabilitation payments to workers injured on the job.(8) The theory behind workers compensation is that employers and entrepreneurs who enjoy the economic benefits of business should be covering the situations where injury or death occurs to the employees who help to achieve the success.(9) Each state has their own workers compensation act(10) and there are three federal workers compensation jurisdictions that cover federal employees: longshoreman and harbor workers, and workers employed in the District of Columbia.(11)

A competent workers compensation system should: 1. provide broad coverage of employees and work related injuries and diseases, 2. provide substantial protection against interruption of income, 3. providesufficient medical care and rehabilitation services, 4. encourage workplace safe ty, and 5. deliver benefits in an efficient and effective manner.(12) Generally, medical care and rehabilitation expenses would be fully covered while lost wages are only partially reimbursed.(13)

Workers compensation is funded by insurance that is paid by the employer into a fund administered by a specialized agency empowered to process the claims.(14) Some large employers pay these benefits themselves.(15) In some cases, the employer is required to make payments directly to the employee. There are other instances when payments are provided out of a fund from which many different employers have contributed. You will also have cases that the employer's private insurer will make the compensation payments.(16) A workers compensation system is a no-fault system (17) and makes the employers strictly liable for any injuries to employees that occur during the course employment.(18)

When a worker wants to make a workers compensation claim there are a few conditions that need to be met: 1. there must be an injury or illness(19) ,2. the injury or illness must have occurred during the course of employment(20) , and 3. there must be medical costs, rehabilitation costs, lost wages, or disfigurement (21). These conditions are much easier to prove than is employer negligence. In fact, fault or employer negligence is not something that needs to be proven before workers compensation is awarded.(22) As one can tell, the basis for awarding workers compensation relies solely on the employer/employee relationship.

What is an employer/employee relation-

ship? An employer/employee relationship depends on whether a contract of employment was entered into.(23) An employee is often defined as a person in the service of another under contract of hire, written IMPLIED.(24)

The word implied will become an important word when we get into the issue of scholarship athletes and their relationship with the school they represent and the NCAA. A major issue of workers compensation is that whether a particular worker is an employee under the states definition or are they considered independent contractors which would make them fall out of the realm of workers compensation.(25)

When the workers compensation act was introduced, workers gained a swifter, more certain system than that was in place prior. What the workers essentially agreed to was waiving their right to sue employers through common law. They also would have to accept much lower payments than may be awarded by bringing a suit to court. Workers compensation does not provide payments for pain and suffering that may be awarded by the courts. They often have to settle for disability payments that are much less than lost income.(26)

Workers compensation has created a work environment where both the employer and employee can work and have the freedom to feel that if something unfortunate should happen there is a system in place to cover both parties. Workers compensation has not only helped those that have been injured but it has led to greater safety measures that force employers and businesses to provide employees with the safest working environment possible. Workers compensation was formed through the Occupational Safety and Health Act of 1970.(27) OSHA imposes a basic duty on employers under the general duty clause (28):

> [Each employer] shall furnish to each of his employees employmen and a place of employment which that are causing or are likely to cause death or serious physical harm to employee; [and] shall comply with occupational safety and health standards promulgated under [OSHA].

some disputes have gone to court .(35) Individuals who volunteer and are injured on the job have also brought their cases to court to fight for some form of compensation.(36)

Volunteers

If an athlete is not an employee, could they possibly be classified as a volunteer? Would that be helpful? How does workers compensation treat those who volunteer and then are injured on the job? These questions are answered differently from State to State and within the Federal government.

The National Parks System (NPS) offers volunteers the same benefits and protection as NPS employees under the Federal Employees Compensation Act (5 USC, Chapter 81) and the Federal Tort Claims Act (28 USC, 2671-2680) and are considered to be Federal Employees under these acts.(29)

In Minnesota, they have dealt with the issue of volunteers and workers compensation. The area of concern focuses on volunteer fire fighters and ambulance attendants. The workers compensation law in Minnesota provides for specified benefits for employees but generally, a volunteer, is not an employee and therefore most volunteers are not covered by workers compensation.(30) The Minnesota Supreme Court ruled that volunteer fire fighters are covered by workers compensation, even if they are unpaid.(31)

The issues that had to be dealt with were with establishing a daily wage for the fire fighters so that the benefits package could be calculated. Some felt that the benefits for volunteer fire fighters were always to be based solely on the wages of a full-time firefighter. Others said that the benefits should be based on the fire fighters actual total earnings, from both his regular employment and his firefighter pay from the city.(32)

In most workers compensation situations the premiums are based on the payroll. In the case of volunteer fire fighters the premiums are

based on population of the area that the fire fighters serve. This includes the whole area that the fire department serves, not just the population of the city.(33)

In the State of New York the following work force is entitled to workers compensation: professionals, management, teaching faculty members, work study students, student assistants, and volunteers. The benefits include payment for medical care and cash payments for lost time from work.(34)

Obviously the need to protect volunteers from work related injuries or illnesses has been addressed by both the States and Federal Government. A reason for looking at such an issue would be to later argue that players on an organized team are nothing more than volunteers for that team and their school. Later in the paper you will read about cases where courts found that the stipends that volunteers received were not really pay but reimbursements for expenses. This same argument could be made for scholarships. Are scholarships not pay but reimbursements for educational costs?

Case Review

In the history of student-athletes fighting for compensation for their injuries some disputes have gone to court. (35) Individuals who volunteer and are injured on the job have also brought their cases to court to fight for some form of compensation. (36)

Athletic Cases

In 1974 Alvis Kent Waldrep was playing football at Texas Christian University on an athletic scholarship. During a game against Alabama Waldrep was tackled awkwardly and landed on his head and broke his neck. For awhile the University supported Waldrep and his rising medical bills. When those bills became to great the University ceased support of their injured athlete. In 1991 after incurring more than $500,000 in medical expenses Waldrep sued for workers compensation. The Texas Worker's Compensation Commission sided with Waldrep and forced the TCU's former insurance company to pay Waldrep $70 a month. (38)

The insurance company, outraged at the decision, brought the case to the Texas courts. The basis for the insurance company's case was that the worker's compensation is a benefit that is offered to employees and in this instance a scholarship athlete is not considered an employee. Waldrep argued before the jury that the scholarship, room and board, and $10 a month for expenses was indeed financial compensation equivalent to an employees pay. (39) Waldrep also testified that extra cash was stuffed into lockers and shoes. A dent in Waldrep armor was that he could get no former players or teammates to back his allegations.

It took a jury one hour to reach a verdict. They found that Waldrep was not an employee and therefore not entitled to the awarded worker's compensation benefits. (40) An appeal is pending and could go as far as the Texas Supreme Court before a final verdict is found. In reaching this verdict the jury and court looked to another case that took place under the same conditions at Indiana State University in 1976.

In Rensing v. Indiana State University, Rensing was a scholarship athlete on the ISU Football team. The athlete filed for worker's compensation due to expenses that arose from injuries and medical expenses. The Indiana Court of Appeals felt that Rensing was indeed an employee. Using the athletic scholarship as the basis the court felt this constituted employment and the fact that the football team was an important part of the University's overall business. (41)

In 1983 Rensing returned to court, Rensing v. Indiana State University Board of Trustees, and the Supreme Court did not agree with the previous ruling. The court took exception to a few factors that they felt showed the scholarship did not constitute employment. 1. Rensing had not reported his benefits on his income tax return, 2. NCAA regulations are incorporated by reference into the scholarship agreement, and since these regulations prohibit

payment for athletic participation, that scholarship cannot be a job contract, and
3. the employer's right to dismiss Rensing on the basis of poor performance was absent.(42) The court felt also that the two parties prior to the-claim had not intended to enter an employee/employer contract. The University of Denver v. Nemeth, we found a student-athlete (Nemeth) injured during football practice. He did not have a scholarship but received $50 per month from the University for cleaning the campus tennis courts. To offset housing expenses, Nemeth would take care of the dormitory furnace and clean the sidewalks near the dorm he was staying in. When he hurt his back during practice he brought these jobs to the Industrial Commission and to the District Court as proof of employment. Both parties agreed with Nemeth and justly awarded workers compensation benefits. The Colorado Supreme Court also affirmed the decision by noting that the jobs Nemeth had depended on his football performance. The football coach testified that the job ceased when the student was cut from the squad.(43) Due to this testimony it was decided that Nemeth met the worker's compensation requirement that the injury arise out of and in the course of employment.(44) Yasser points out in his writings that it should be noted that Nemeth was not a scholarship athlete. But it does examine the relationship between athlete and institution. If a scholarship is awarded and based on their athletic performance and/or ability does that not constitute some type of employer/employee relationship.

The fourth case to exam is Van Horn v. Industrial Accident Commission. Van Horn was a football player at the California State Polytechnic College (Cal Poly) from 1956-1960. The assistance offered to him was in the form of money. At the beginning of each month Van Horn would receive two checks, the first in the amount of $50.00 and with the notation scholarship on it. The second check was considered rent money, and was $75 in value and contained no notations and was withdrawn from the coaches discretionary fund.(45)

In 1960 on a flight home from a game the plane crashed and Van Horn was killed. His wife filed under the California worker's Compensation Act for death benefits. The Industrial Accident Commission denied the application, citing that Van Horn was not an employee at Cal Poly and therefore not eligible for benefits. The district court of appeals overturned the commissions findings and found that a contract of employment did exist. The contract was dependent on Van Horns athletic ability and productivity. The court did point out that the scholarship alone was not enough to award employee rights or benefits. The true issue in this case as in others is whether the student-athlete is truly an employee. John Lennes, vice president of worker's compensation for the Alliance of American Insurers, addresses a concern that many people in this situation undoubtedly share; "paying benefits for people for whom policy payments have not been made is a concern."(46) Jim Epolito is a former Michigan State linebacker and is compensation laws and how have courts sided on this issue. Currently president of the Accident Fund, one of Michigan's largest worker's compensation insurance companies. He says, "insurance policies can be written to cover college athletes as volunteers.(47) This brings into account another issue, how are volunteers covered under the workers compensation laws and how have courts sided on this issue.

Volunteer Cases

Throughout history much of what has been accomplished in this country has been done so with the help of volunteers. In small cities and towns across the United States volunteers make up their fire and rescue departments. These are high-risk employment opportunities that highly educated people are needed to be a part of. Usually the volunteers that fill these positions take and pay for course work that qualifies them to be fire fighters or EMT's. As expected in high-risk situations there will be times when injuries

occur. What happens to these people if they are volunteers? Previously we explored what the laws are saying but how do you figure the benefits that they should receive if they are volunteers. In examining a couple of cases dealing with benefits for volunteers we may be able to relay that back to the student-athlete and how benefits could be measured for them.

In Johnson v. City of Plainview the lower court had based benefits on the sum of the fire fighters earnings from his regular employment, plus the wages of a full-time firefighter in the nearest city with full-time fire fighters, Rochester, MI in this case. Plainview fire fighters were paid $8.00 for the first hour of an emergency call, and $5.00 per hour after that. They also received $2.50 for attending a department meeting. Based on this testimony presented by the fire chief and budget material from the city council the Supreme Court ruled that these amounts were actually reimbursements for expenses rather than wages. Since these payments were ruled not payments the benefits should be based solely on the earning of a full-time Rochester fire fighter. Could we assume that the scholarship would then just be a reimbursement for the athletes expenses?

With the *Belted v. City of Ham Lake* the payments the volunteer fire fighters received from the city were similar to those in the Plainview case and the court again, viewed the payments as expense reimbursements rather than wages. However basing benefits on the nearest cities full-time fire fighters wage would have resulted in lower benefits than basing it on the fire fighters regular full-time job. The court ruled that where the city does not pay it volunteer fire fighters a salary benefits are based on either an imputed full-time fire fighter wage or the fire fighters regular employment earnings, whichever results in the greater benefit.(48) At first read, you may ask yourself how does this relate to what this paper previews that I feel heeds warrant and that is why it is present in this paper. obviously has been about? Could you not look at a student-athlete in the same light as a volunteer for a city? They are reducing expenses by not receiving a wage therefore increasing the cities revenue. An athlete does not receive a wage and also increases the Universities revenue. The true answer is for the lawyers or courts to decide. It is just an issue that I feel heeds warrant and that is why it is present in this paper.

**Analysis/Answers**

Catastrophic Insurance

As worker's compensation claims filed by injured student-athletes increased in the late 70's and early 1980's the NCAA in 1985 instituted a catastrophic injury protection insurance plan that could be purchased by member institutions. The Catastrophic Injury Insurance Program sponsored by the NCAA covers student-athletes who are catastrophically injured while participating in a covered intercollegiate athletic activity. The policy has a $50,000 deductible and provides benefits in excess of any other valid and collectible insurance. The insurance policy provides the following benefits for those who qualify

- Monthly Payment Benefits
- Home Health Care Benefits
- Assimilation/Rehabilitation Expense Benefits
- Adjustment Expense Benefits for the Immediate Family of the Injured Student-Athlete, including Transportation Allowances
- Special Home/Motor Vehicle Accommodation Benefits
- Ancillary Illness and Injury Benefit
- College Education Benefit

With a deductible of $50,000 where does that money come from? At the University of Vermont the student-athlete is required to either show proof of insurance or have there own medical insurance.(51) The previous deductible was $25,000 and that was increased on August 1, 1998. Why? The NCAA says the increase recognizes the increased costs of basic medical attention, and better defines the NCAA program

as catastrophic rather than a major medical policy.(52)

Another area that the NCAA has covered is the definition of Total Disability. In there definition there are two parts:
1. Irrecoverable loss of speech, hearing, sight, use of arms or legs, or severely diminished mental capacity. 2. The inability to engage in certain activities, those activities that the student-athlete would have been able to engage in immediately prior to the covered accident or injury.(53)

The student-athlete benefits from this plan in that it provides immediate benefits without depending on a worker's compensation board or judge's opinion on the issue. The greatest benefit is that it at least offers the athlete something, some piece of mind. They can feel, unlike Waldrep, that if something catastrophic should happen there is something there to lend a hand.

Exceptional Student-Athlete Disability Insurance

The previous insurance policy is in place to cover all athletes. In October of 1990 a disability insurance program was begun for exceptional student-athletes at NCAA institutions in the sports of football and men's basketball. As of 1998 the previous sports are eligible as well as men's baseball, men's ice hockey, and women's basketball. This program allows the student-athlete to purchase disability insurance contracts with pre-approved financing. What this does is protect the student-athlete against future loss of earnings as a professional athlete, due to disabling injury that may occur during their collegiate career.(54) Who are eligible? Student-athletes in said sports that have demonstrated outstanding athletic ability and are projected draft picks in their respected sports professional drafts. If they are viewed with the potential to be chosen in the first three rounds then they could opt for this insurance program.

Worker's Compensation

Although the exact costs of a worker's compensation program are unknown there has been a little research into the subject. In 1984, the University of Nebraska concluded that it would cost about $55,000 per year for workmen's compensation premiums. If that factor were multiplied by the factor of 20 it still would only cost the NCAA $1.1 million. Nebraska points out that this dollar amount may seem large but when weighed against the NCAA's annual budget of $270 million there really is no comparison.(55) Jerry Johns, president of Southwestern Insurance Information Service, says that insurance policies could be written to cover student-athletes under the worker's compensation.(56)

Worker's compensation issues with student-athletes are of particular interest to athletic administrators for three reasons:
1. A determination that scholarship athletes are employees of their institutions will allow injured student-athletes to collect worker's compensation benefits in certain circumstances and could increase insurance costs. 2. Injured student-athletes if found to be employees, may bring more workers compensation claims, and 3. an athletic department or institution employee injured in an employer sponsored athletic event may be found to be acting within the scope of employment and thus eligible for worker's compensation benefits.(57)

Kent Waldrep would disagree, "the NCAA needs to cover all scholarship athletes for worker's compensation and recognize the professionalism of college athletics. I want someone to step up and say we made a mistake with [Kent Waldrep] and we need toset that right. I want the NCAA to admit that they have made a mistake by not protecting kids who bring in millions of dollars and make college athletics possible."(58)

## Conclusion

It is 1999 and this paper is not the first of its kind nor will it be the last. The issue of student-athlete vs. employee has been going on for fifty plus years and there is no end in sight. With the admission of the NCAA allowing student-athletes to now work and be under scholarship the argument has just begun. As college athletics becomes more intense, as the athletes get stronger and stronger and more injuries occur,

chances for more Waldrep type lawsuits will increase.

The issue of whether a student-athlete is an employee is really an important issue. The basis of worker's compensation is that it is a system that organizations pay into to cover their employees and themselves in case of injury. If universities would pay into this system than the athlete would be covered. Why don't they now? MONEY. The NCAA's insurance program is an honorable attempt but it doesn't cover all areas and to me it takes the individual institutions away from any liability. They recruit, play, and graduate these athletes but if they should get hurt under their care they take no responsibility.

Court cases have answered the question with the answer that scholarship athletes are not employees of their respected institutions. If the NCAA offers insurance wouldn't that be a benefit and aren't benefits the beginning of a contractual relationship between employers and employees. The athlete's acceptance of the athletic scholarship creates a legal relationship between the athlete and the educational institution that grants the award. I have sat, listened, and learned that only about ten institutions in this country make money from there athletic departments.(61) I hate to think that the issue standing in the way from protecting teenagers is money. In researching and reading about this topic the more you get into the more you find people trying to get out of it. Michael J. Robbins, Senior Vice President of American Specialty who administers the NCAA catastrophic insurance policy, when asked said that there hadn't been really any thought into how paying college athletes will effect worker's compensation claims. Contracts will have to drawn up separating their work from their obligation to athletics.(62)

There needs to be a system in place. The NCAA insurance policy is the answer for injuries that incur more than $50, 000 in expenses. What about the athlete who is injured and ONLY has $35,000 in medical bills? This argument is far from over and bets are on that this will be a hot topic in the coming years.

**Endnotes**

1.www.student.com/97/10/28/tcusuit Allen Sack, former football player at Notre Dame states his views on college athletics.

2.www.ncaa.org/news/19970901/active/3431n01.html revenue from the Division I Men's Basketball championship is projected to increase by $1.5 million as a result of greater business sales for the event.

3. Id. In 1997-98 CBS paid $210.9 million for the television rights. An increase of $22.5 million from 1995-96 year.4.Rensing v. Indiana State University, 437 N.E. 2d 78 ( Ind. Ct. of Appeals, 1982). University of Denver v. Nemeth, 257 P. 2d 423 (Colo. Sup. Ct. 1953). Van Horn v. Industrial Accident Commission, 33 California Reporter 169 (Cal.Dist. Ct. Of Appeals, 1963).

5.www.foxnews.com/health/wires2/h_1015_27.sm. Alvis Kent Waldrep sues TCU for worker's compensation benefits after incurring more than $500,000 in medical bills since his injury playing football in 1974 at TCU.

6. See Supra at 1.

7. Id.

8.Levy, B.S. and Wegman, D.H. ( 1983). Occupational Health: Recognizing and preventing work related disease {Eds.}. Boston, MA: Little, Brown. pp.150.

9. Little, Joseph W.,eaton, Thomas A., and Smith, Gary R. (1993) pp.65. Workers Compensation. St. Paul, MN: West Publishing Co.

10. Wong, Glen M., (1994). Essentials of Amateur Sports Law. Westport, CT: Praeger. pp.402.

11. See Supra at 8, 150.

12. Little, Joseph W., eaton, Thomas A., and Smith, Gary R. (1993).

13. See Supra at 8, 150.

14. Yasser, Ray, McCurdy, James R., and Goplerud,C.Peter. (1997). Sports Law: Cases and Materials. Cincinnati, OH: Anderson Publishing, 37.

15. See Supra at 8, 150.

16. See Supra at 10, 402..

17. Id.
18. See Supra at 14, 137.
19. Supra at10, 403.
20. See Supra at 1221.See Supra at 13
22. See Supra at 9,59.
23. See Supra at 14,3
24. See Supra at 8, 152.
25. Supra at 9,34.
26. Id.
27.www,nps.gov Federal Employees Compensation Act - Employees are entitled to first aid and medical care for on the job injuries as well as hospital care when necessary,etc.
28.Webmaster@lmnc.org The League of Minnesota Cities, 1998.
29. Id, M.S. 176.o11,subd. 9 (3) specifies that a firefighter is considered to be an "employee."
30. Id., In some instances throughout the State of Minnesota a "volunteer" was not truly volunteering. He/she were being paid a small stipend to maybe cover travel expenses or just for their efforts. So some lawmakers wanted to have this stipend to their regular salary to form the basis for calculating their compensation package.
31. Id.
32. State University's of New York Home Page.
33. Rensing v. Indiana State University, 437 N.E. 2d.78 (Ind.Ct.App. 1982); University of Denver v. Nemeth, 257 P.2d 423 (Colo.Sup.Ct. 1953), Van Horn v. Industrial Accident Commission, 33 Cal.Rptr. 169 (Cal.Dist.Ct.App.1963); and Alvis Kent Waldrep filed suit in 1991 for workers compensation benefits.
34. Johnson v. City of Plainview, 431 N.W. 2d 109 ( Minn.,1988); and Boelter v. Coty of Ham Lake, 481 N.W. 2d 51( MInn, 1992).
35.www.foxnews.com/health.wires2/h_101.5_27.sml Former TCU athlete fights for worker's compensation coverage. 11.15.9736.www.sportsline.com/u/page/covers/football/oct97/jury/102097.html Jury rules against paralyzed player's bid for worker's comp. 11.20.97
37. Id.
38. www.student.com/97/10/28tcusuit/ Ex-player Loses Suit, by Mark Martinez 11.28.97
39. See Supra at 10, 405.
40. Id., 406.
41. See Supra at 14, 129.
42. See Supra at 41.
43. See Supra at 125.
44. www.totalsports.net/SG/fbo/fbc/news/ap/971015.0354.html. Former TCU athlete fights for worker's compensation coverage, Elizondo , Juan B.
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46. Id.
47. Supra at 10,403.
48.www.ncaa.org/insurance/catastrophic .html.
49. Jeffrey Schulman, Assistant Director of Athletics, University of Vermont. Interview conducted via email on Aprtil 20, 1998.
50. See Supra at 50.
51. Id.
52. Id.
53. See Supra at 40.
54. Id.
55. See Supra at 49.
58. See Supra at 55.
59. www.pac-10.org/compl/legis/thelegis/98-009.html Financial Aid-DivisionI Employee Earnings.
60. See Supra at 14, 5.
61. Class notes, Indiana State University, April 1998.
62. Phone Interview in April, 1998