Court: Referee Can Sue Boxing Commission for Allowing Positive Fighter in Ring

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After referee Ray Corona Sr. learned that an HIV-positive boxer—who was not named—competed in one of his matches, the Fourth District Court of Appeal in San Bernadino, California, ruled October 23 that Corona could sue the State Athletic Commission for negligence, the *San Francisco Chronicle* reports.

Legally, the commission is responsible for ensuring that all licensed professional boxers have tested negative for HIV, hepatitis B and hepatitis C before stepping into the ring at least 180 days after their previous test. According to the Fourth District Court, allowing anyone who tests positive to fight is grounds for legal action.

Corona officiated a June 2005 match in San Bernardino County. A week later, he received a letter from the commission saying that one of the boxers' HIV test results came back positive after the fight. The letter warned that Corona might have been exposed to the virus.

Although Corona and his wife have since tested negative, their suit seeks damages for emotional distress. A Superior Court judge declined the suit in 2007 because the state is protected from damages for any decision to grant or deny a professional license. However, the appeals court said Friday that screening boxers for HIV before fights is mandatory.

The law "immunizes only discretionary decisions, not mandatory actions," said Justice Manuel Ramirez.

The athletics commission "recently has made a number of improvements to help prevent such occurrences," said Luis Farias, a commission spokesperson. He also said the physician at a boxer's pre-fight weigh-ins and the event supervisor "both review the medical records so that athletes are protected."

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