

decision be sent to you no later than 120 days after the date on which you file your request for a hearing.

What if the Funds approves my appeal?

If your application is approved as a result of the hearing, you will receive payments retroactive to the date of your eligibility for Funds benefits. These payments will be made in accordance with the provisions of the Plans and Trusts, Funds regulations, and any relevant court rulings or negotiated settlements.

What if the Funds denies my appeal?

The appeals process is the Funds' final and definitive action on your case. If the original denial is upheld, the Funds will consider your case closed unless you submit new evidence having a direct effect on your eligibility.

If your denial is upheld on appeal, you have the right to file suit against the Plan to which you are applying for benefits.

For more information

If you have any questions which are not answered by this pamphlet, please contact the Funds' Call Center. The staff there will be glad to answer questions about hearing procedures, general regulations, or the circumstances of your particular case.

UMWA Health and Retirement Funds

2121 K Street, NW, Suite 350
Washington, DC 20037-1879



Right to Appeal

For "Request Hearing" forms and other information, call:

The Funds' Call Center
1-800-291-1425

Right to Appeal

What decisions can I appeal?

You have a right to appeal any decision of the UMWA Health and Retirement Funds that denies you pension, health or death benefits. You can also appeal a decision to deny you credit towards a pension.

If you disagree with the Funds' denial of your application for a pension or other benefits, or with the amount of service credited toward your pension, you may ask for a hearing. You will receive only one hearing and it will be the Funds' final action on your case.

You may represent yourself or be represented by an attorney or by any individual of your choice at the hearing. You may call witnesses to speak on your behalf, and will have an opportunity to examine the Funds' file on your case.

Who can I talk to about the denial?

The Funds will make every effort to explain the reason for the denial. With the denial, you will receive a detailed explanation of the reasons for the Funds' decision. If you do not fully understand the judgment, you may want to discuss your case with a Funds' representative. You may call the Funds' Call Center at 1-800-291-1425, where a representative will answer your questions and explain how the decision was reached.

If you still disagree with the decision after this discussion, you may then request a hearing. The conference with a Funds' representative in no way affects your right to a hearing.

How do I request a hearing?

You request a hearing by filling out a form. Copies of the form which can be used to request a hearing are available from the Funds' Call Center (1-800-291-1425), and at many UMWA District and Local Union offices.

New Evidence: If you have evidence that has not been submitted to the Funds previously, attach it to your request for a hearing. The evidence will be carefully evaluated and could result in an approval of your application without a hearing.

Time Limit: You have 90 days to request a hearing. The 90-day period begins on the date of the Funds' letter of denial, termination of benefits, or notification of denial of pension credit.

What happens when I request a hearing?

Your request for a hearing will be acknowledged promptly by the Funds. Before the actual hearing, a telephone conference will be scheduled. During this conference, a Funds' staff member will discuss with you the issues in dispute, the role of witnesses at the hearing, and where you may obtain evidence to support your claim. You will also be given an opportunity to ask questions about the appeal process. The Funds will set up the telephone conference, and you may ask to have included any person whom you choose to represent you.

How soon will the hearing be held?

Efforts will be made to hold the hearing as soon as possible. You will be notified of the time and place of the hearing at least 15 days before the hearing date. If you are unable to attend the hearing on the scheduled date, call the Funds' field office immediately and arrange for an alternate date.

Appeals from the denial of an application for disability benefits may require different handling. If the application was denied because a causal link was not established between your mine accident(s) and your disability, the appeal will be resolved by a new review of all the evidence. A face to face hearing will not be required. You will be asked to submit any new medical evidence during the telephone conference. Your case file, along with any new evidence will be reviewed by a member of the Funds' clinical staff who will issue a final decision. The individual reviewing your file on

appeal will not be the same person who made the original determination in your case.

Where will the hearing be held?

The hearing will be held at the Funds' field office nearest to your home. Other arrangements may be made where absolutely necessary.

Does a hearing cost anything?

There is no charge for a hearing. Please note, however, that you will be required to pay your own travel expenses. The Funds will not pay any expenses for you, your witnesses, or your representative (if you have one).

What happens at a hearing?

An administrative hearing is an informal proceeding conducted by a Funds' hearing officer. This individual will have extensive experience in determining eligibility and will recommend a decision based on evidence and testimony. The hearing officer will not be the person who made the original determination in your case.

At the hearing, you may represent yourself or be represented by any one you choose to represent you.

The Funds' hearing officer will state what must be decided in your case. He or she will review the facts of your case, explain the regulations, and question you and your witnesses. You may submit new evidence, ask the hearing officer questions, and look at all materials (including investigative reports) that are in the Funds' file on your case.

Be sure to bring all evidence you feel will help establish your eligibility, since the hearing will be your last opportunity to present your case. The hearing officer can consider reasonable requests for a continuance if he or she judges it merited by the circumstances.

Whenever possible, the Funds' hearing officer will give a preliminary indication of the action to be taken on an appeal. Department of Labor regulations require that the Funds' written