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## OPINION OF TRUSTEES

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### IN RE

Complainant: Employee's Father  
Respondent: Employer  
ROD Case No. 113, November 24, 1980

Board of Trustees: Harrison Combs, Chairman; John J. O'Connell, Trustee; Paul R. Dean, Trustee.

Pursuant to Article IX of the United Mine Workers of America 1950 Benefit Plan and Trust, and under the authority of an exemption granted by the United States Department of Labor, the Trustees have reviewed the facts and circumstances of this dispute concerning travel reimbursement for meals and lodging expenses for the Employee's mother and hereby render their opinion on the matter.

### Background Facts

The Employee is a 26 year old mineworker who suffered a cerebral hemorrhage on January 23, 1980 for which he was subsequently hospitalized. The hospital to which the Employee was admitted is approximately 150 miles from his parent's home. The Employee's father is also a mineworker, employed by the same company at a different mine site. He had requested reimbursement of the out-of-pocket expenses for meals and lodging incurred by the Employee's mother while she visited her son in the hospital. The father states that he "approached the company about being reimbursed for these expenses" and was told that he could be reimbursed. However, upon presentation of such bills to the company, payment was denied.

### Question

Is the Employer responsible for payment of lodging and meal expenses incurred by the Employee's mother?

### Position of Parties

Position of Employee's Father: The reimbursement expenses should be covered as was originally agreed to by the Employer. The Employee's mother incurred these expenses during her extended visit which was required because of her son's condition.

Position of Employer: In accordance with Article III, Section A (7)(e), and 1978 Contract Q&A #18, reimbursement for travel expenses may be made for the covered costs incurred by the patient and the patient's escort, The purpose of an escort as stated in Q&A 18.is the following:

"An escort is required during transportation," and "Escorts may be used to care for patients who are dependent children or too disabled to travel alone."

Reimbursement for expenses incurred by the Employee's mother was not allowed in that the mother could not be considered an escort, as defined in the Plan and Q&A #18.

#### Applicable Regulations

- Article III, Section A (7)(e)3 of the Employer's Plan provides:

Benefits will also be provided for other transportation subject to the following conditions:

3. If the Beneficiary requires an escort during transportation, the attending physician must advise the Plan Administrator why the Beneficiary needs an escort.

- 1978 Contract Q&A #18 provides :

3. An escort is required during transportation

- a) Purpose: Escorts may be used to care for patients who are dependent children or too disabled to travel alone.
- b) Reimbursable Items: Escorts will be reimbursed according to the same general criteria the patients they accompany

- 1978 Contract Q&A #106, approved by the Trustees on September 18, 1979 provides:

Subject: Family Member's Stay

Reference: Amended 1950 & 1974 Benefit Plans and Trusts, Article III, Section A (1)(a); (7)(e) and (10)(a)9

Question: a) Does the Plan cover hospital room and board costs resulting from a family member's stay with a hospitalized Beneficiary, when the attending physician considers the family member's stay to be medically necessary?

- b) When a Beneficiary qualifies for travel benefits under Article III, Section A (7)(e) of the Plan does the Plan cover

- lodging costs for his/her escort, when the attending physician considers the escort to be medically necessary?
- Answer:                   a)    No.
- b)    Yes.

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\*       Explanatory Note: 1978 Contract Q&A was originally approved by the Trustees on April 25, 1978. It was withdrawn on February 3, 1979 and reissued as a Funds' administrative policy statement.

#### Discussion

Article III, Section A(7)(e)3 of the Plan provides that transportation benefits will be supplied if the Beneficiary requires an escort during transportation. Contract Q & A 18 allows reimbursement for an escort's travel expenses when the escort is caring for an individual too disabled to travel alone. Contract Q & A 106 allows reimbursement for meals and lodging when the escort qualifies for travel benefits.

In this case, the Employee's mother traveled from her home to visit her son. She did not aid in his transport. Therefore, she was not an escort as that term is defined by the applicable Plan provision and Contract Q & A 18 and is not eligible to be reimbursed for her meals and lodging.

#### Opinion of the Trustees

The Trustees are of the opinion that the Employer is not responsible for payment of the lodging and meal expenses incurred by the Employee's mother.