OPINION OF TRUSTEES

In Re

Complainant: Employee Respondent: Employer

ROD Case No: <u>182</u>, February 23, 1981

<u>Board of Trustees</u>: 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 the provision of vision care benefits and hereby render their opinion on the matter.

Background Facts

The Employee is an active mineworker eligible for benefits under the Employer's Plan. October 9, 1978, the Employee and his dependent spouse underwent routine vision examinations with refractions, for which benefits were provided under Article III, C of the Employer's Benefit Plan. On October 6, 1980, the Employee and his spouse underwent routine vision examinations again, for which charges of \$64.00 were incurred. The Employer denied payment of these charges stating that the Employee and his spouse were not eligible for the payment of vision care benefits until October 10, 1980 or later, in accordance with Article III, C(1) of the Employer's Plan.

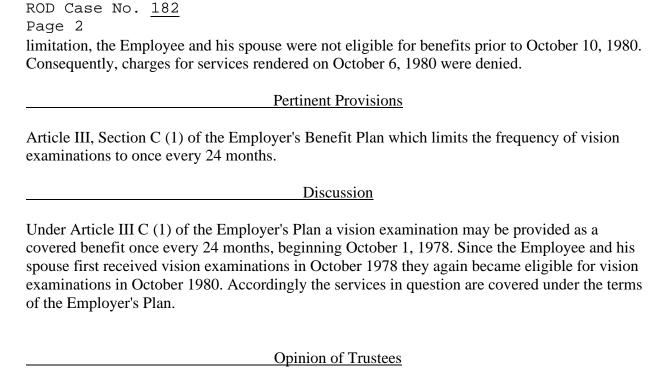
Dispute

Is the Employer responsible for the payment of the vision examinations charges incurred by the Employee and his spouse on October 6, 1980?

Position of the Parties

<u>Position of Claimant</u>: The Employee is questioning why vision care benefits were not provided in this case. The vision examinations were performed in October, 1978 and October, 1980 which is 24 months apart, as the Employer's Benefit Plan requires.

<u>Position of Respondent</u>: Article III, Section C of the Employer's Benefit Plan clearly states that vision care benefits has a frequency limitation of once every 24 months. In accordance with this



Opinion of the Trustees

The Trustees are of the opinion that the Employer is responsible for payment of the vision examinations charges incurred by the Employee and his spouse on October 6, 1980.