

OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 182, February 23, 1981

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 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

Position of Claimant: 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.

Position of Respondent: 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

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limitation, the Employee and his spouse were not eligible for benefits prior to October 10, 1980. Consequently, charges for services rendered on October 6, 1980 were denied.

Pertinent Provisions

Article III, Section C (1) of the Employer's Benefit Plan which limits the frequency of vision examinations to once every 24 months.

Discussion

Under Article III C (1) of the Employer's Plan a vision examination may be provided as a covered benefit once every 24 months, beginning October 1, 1978. Since the Employee and his spouse first received vision examinations in October 1978 they again became eligible for vision examinations in October 1980. Accordingly the services in question are covered under the terms of the Employer's Plan.

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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.