

May 24, 1982

(Opinion issued in letter form; name and address deleted)

Re: ROD Case No. 282

Pursuant to Article IX of the UMWA 1950 Benefit Plan and Trust, and under the authority of an exemption granted by the United States Department of Labor, the Trustees have reviewed your Request for Advisory Opinion concerning coverage for dental services and associated charges for hospitalization for your dependent. According to the information submitted by you and your former Employer, your dependent was admitted to the hospital in August, 1980, for the removal of thirteen teeth. Hospitalization was not necessitated by an underlying medical condition.

Under Article III.A(3)(e) and Article III.A.(10)(a)19 of the Employer's Benefit Plan in effect in 1980, dental services are specifically excluded from coverage. Therefore, the Employer is not responsible for payment of the charges for removal of the teeth.

Further, under Contract Question and Answer #88 and Resolution of Dispute #17, previously adopted by the Trustees, charges for hospitalization for the removal of teeth are not covered by the Employer's Benefit Plan unless the hospitalization is medically necessary because of an underlying medical condition.

Because your dependent's hospitalization was not necessitated by an underlying medical condition, the Employer is not responsible for payment of the hospital charges.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee

Attachment