

March 24, 1982

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

Case No. 296

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 your Request for Advisory Opinion concerning Benefits under the Employer's Plan for the treatment of obesity.

Under Article III, A (3)(h) of the Employer's Plan, benefits are provided for the treatment of illnesses by a physician. However, under Q&A #38, approved by the Trustees on June 27, 1979, where no other pathology exists, the treatment of obesity is a covered benefit only if the diagnosis signifies a pathological, morbid form of severe obesity, where the patient's weight is 200% or more of his desirable weight. According to the information submitted by your physician, you were 191 lbs. when you were referred for treatment, and your ideal weight is 150 lbs. Because you do not meet the requirements for a morbid form of severe obesity (you were not 200% or more of your ideal weight), coverage for the treatment of your obesity is not provided.

Sincerely,

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Harrison Combs, Chairman

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John J. O'Connell, Trustee

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Paul R. Dean, Trustee