

February 22, 1983

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 318

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 your Employer's responsibility to provide coverage of your spouse's mammoplasty.

Article III. A. (3) (p) 9 of your Employer's Benefit Plan provides that cosmetic surgery is not covered unless pertaining to surgical scars or to correct results of an accidental injury or birth defect. Our medical staff has determined that your spouse's mammoplasty was in fact cosmetic. In addition, under Article III. A. (3) (f) of your Employer's Benefit Plan benefits are not provided for plastic surgery, including mammoplasty, without prior approval of the Plan Administrator.

Because your spouse's mammoplasty was cosmetic and you did not receive the prior approval of your Plan Administrator, your Employer is not responsible for the provision of benefits.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee