

August 31, 1982

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 319

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 received your request for Advisory Opinion concerning coverage under your Employer's Benefit Plan of your x-rays and pulmonary function testing in connection with your application for black lung benefits.

Under Article III. A. (10) (a) 6, of your Employer's Benefit Plan in effect at the time the services were rendered, benefits are not provided for evaluation procedures such as x-rays and pulmonary function tests, in connection with applications for black lung benefits, or required by Federal or State Black lung legislation. Because the evaluation procedures you underwent were administered in connection with your application for black lung benefits, your Employer is not responsible for payment of the charges for these procedures.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee