

November 23, 1982

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

Re: Opinion of Trustees  
Resolution of Dispute  
Case No. 321

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 of your spouse's oral surgery under your Employer's Plan.

Under Article III. A. (1) (8) of the Employer's Benefit Plan, and Contract Q&A #88 (copy attached), benefits are provided for hospitalization for non-covered dental procedures only if the hospitalization is necessary due to an underlying medical condition and prior approval is received from the Plan Administrator. Because your spouse's hospitalization was not necessitated due to an under-lying medical condition nor to an otherwise covered procedure, your Employer is not responsible for payment of charges for your spouse's hospitalization for oral surgery.

You also claim that the Employer informed you that charges for your spouse's hospitalization were a covered benefit. The exemption granted by the Department of Labor for Resolutions of Dispute arising under the Employer's Benefit Plan, effective March 27, 1978, does not authorize the Trustees to comment on this issue.

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