

Opinion of the Trustees
ROD Case No. 322
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March 29, 1983

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 322

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 the level of health benefit coverage for obstetrical and newborn care for your dependents.

Under Article III. A. (10) (a) 12 of the Employer's Benefit Plan and 1978 Contract Question and Answer #62, attached hereto, the Employer is not required to pay a charge which the Plan Administrator, in his sole discretion, has determined to be excessive. The Plan Administrator has determined that \$79.00 of the \$1,319.00 in total charges is excessive. Because this determination was made by the Plan Administrator, and because the determination of whether a charge is excessive is solely within the discretion of the Plan Administrator, the Trustees may not comment on the reasonableness of the charge.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean Trustee