

October 26, 1982

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-44

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 question concerning the Employer's responsibility to submit to Medicare any charges for health services which are covered by Medicare.

Article III. A. (10) (d) of the Employer's Benefit Plan specifies that the benefits provided under the Plan will not be paid to any Beneficiary otherwise eligible if such Beneficiary is eligible for Hospital Insurance coverage (Part A) of Medicare where a premium is not required and/or Medical Insurance coverage (Part B) of Medicare unless such Beneficiary is enrolled for each part of Medicare for which such Beneficiary is eligible. Any such beneficiary who is enrolled in a Medicare program shall receive the benefits provided under the Employer's Plan only to the extent such benefits are not provided for under Medicare.

Article III. A. (11) (a) (3) of the Employer's Plan excludes from coverage services furnished by any governmental agency, including benefits provided under Medicaid, Federal Medicare and Federal and State Black Lung legislation for which a beneficiary is eligible or upon proper application would be eligible. There is no provision in the Plan which makes the Employer responsible for submitting charges to Medicare on behalf of the Beneficiary.

Therefore, the Trustees are of the opinion that the Employer is not responsible for submitting charges to Medicare on behalf of the Beneficiaries.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee