
OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No.: 81-58, September 1982

Board of Trustees: Harrison Combs, Chairman; John J. O'Connell, Trustee; Paul R. Dean, Trustee.

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 the facts and circumstances of this dispute concerning the provision of coverage of travel expenses for an Employee and his spouse by the Employer under the terms of the Employer's Benefit Plan and hereby render their opinion on the matter.

Background Facts

The Employee had eye surgery (retinal detachment repair) on October 12, 1978 in Columbus, Ohio. On December 18, 1981 he returned to Ohio for an eye examination.

The Employee requested prior approval from the Employer for transportation, food and lodging for his spouse to travel with him. The Employer denied approval based on the Travel Policy. Upon his return from Ohio the Employee submitted the claim for his and his wife's travel expenses along with letters from his doctors supporting the need for his wife to accompany him. The Employer denied his \$87.74 claim for travel expenses.

Dispute

Is the Employer responsible for providing payment for the Employee and his spouse's travel expenses?

Positions of the Parties

Position of the Employee: The Employee wants to know if the Employer should make reimbursement for the amount requested or is this actually a covered expense.

Position of the Employer: The Employer feels that the Employee does not meet the conditions for travel reimbursement as set forth in the travel policy.

Pertinent Provisions

Article III. A. (7) (e) of the Employer's Benefit Plan which provides:

(e) Ambulance and Other Transportation

Benefits are provided for ambulance transportation to or from a hospital, clinic, medical center, physician's office, or skilled nursing care facility, when considered medically necessary by a physician.

With prior approval from the Plan Administrator benefits will also be provided for other transportation subject to the following conditions:

1. If the needed medical care is not available near the Beneficiary's home and the Beneficiary must be taken to an out-of-area medical center.
2. If the Beneficiary requires frequent transportation between the Beneficiary's home and a hospital or clinic for such types of treatment as radiation or physical therapy or other special treatment which would otherwise require hospitalization, benefits will be provided for such transportation only when the Beneficiary cannot receive the needed care without such transportation.
3. If the Beneficiary requires an escort during transportation, the attending physician must submit satisfactory evidence as to why the Beneficiary needs an escort.

Funds' Beneficiary Travel Policy

Attached hereto is a copy of the memorandum to the Trustees, dated September 6, 1979 regarding the Funds' policy for reimbursing beneficiaries for necessary, medical care-related travel.

Discussion

Under the Funds' Travel Policy, which was established on February 3, 1979, benefits are provided for travel under the following circumstances: the beneficiary must be taken to a facility which is more than 100 miles away from the beneficiary's home to receive care which is not available near the beneficiary's home; the beneficiary frequently requires transportation between home and hospital or clinic because no means of private transportation is accessible to the patient and the patient must travel to the health facility at least once a week; the beneficiary requires an escort during transportation. In each case, prior approval is required for reimbursement. Because the Employee lived less than 100 miles from a facility where the Employee could have

Opinion of Trustees
Resolution of Dispute
Case No. 81-58, September 28, 1982
Page 3

received an eye examination and he was not required to travel to the facility at least once a week, he did not meet the requirements for travel. Therefore, the Employer is not responsible to pay travel expenses for the Employee and his spouse.

Opinion of the Trustees

The Trustees are of the opinion that the Employer is not responsible for payment of travel expenses for the Employee and his spouse.