

Opinion of Trustees
Resolution of Dispute
Case No. 81-119
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January 25, 1983

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-119

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 a dispute concerning payment of a dismemberment benefit for loss of vision.

Under Article III. B. (1)(c) of the Employer's Benefit Plan, loss of one member due solely to violent, external and accidental means shall qualify an Employee to receive a 212,500 dismemberment benefit as the result of an injury. A member for the purpose of the above is (i) a hand at or above the wrist, (ii) a foot at or above the ankle or (iii) total loss of vision of one eye. Although you have a visual impairment of your injured eye, it has been corrected to a visual acuity of 20/80. Because you have not lost total vision of the eye, your Employer is not responsible for payment of a dismemberment benefit. Trustee Combs dissents.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee