

January 25, 1983

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

Re: Opinion of Trustees  
Resolution of Dispute  
Case No. 81-131

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 question concerning the provision of benefits for a van lift and accessories for your dependent son.

Under Article III. A (6)(d) of the Employer's Benefit Plan, benefits are provided for medical equipment suitable for home use when a physician determines that the equipment is medically necessary. In addition, Question and Answer No. 81-38, attached hereto, states that benefits are provided for the rental or purchase of medical equipment which a) can withstand use; b) is primarily used to serve a medical purposes c) generally is not useful to a person in the absence of an illness or injury; and d) is appropriate for use in the home.

Although a van lift can withstand use, it is not appropriate for use in the home and it is not primarily and customarily used to serve a medical purpose. In addition, it would generally be useful in the absence of an illness or injury. Therefore, a van lift is not medical equipment for which your Employer is responsible to provide benefits.

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

Attachment