

Opinion of Trustees
Resolution of Dispute
Case No. 81-149
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March 1, 1984

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-149

Pursuant to Article IX of the United Mine Workers of America ("UMWA") 3950 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 an Employer's responsibility to provide an Employee with health benefits at the level prescribed by the terms of the National Bituminous Coal Wage Agreement of 3981 (Wage Agreement). The Trustees hereby render their opinion on this matter.

Under Article III. A. (11)(a)(12) of the Employer's Benefit Plan, the Plan Administrator has the sole authority to determine whether a charge is excessive. Under the exemption granted by the Department of Labor in April 1982, the Trustees now have the authority to resolve disputes involving excessive fees to the extent that they may determine whether the Plan Administrator has adopted and applied reasonable procedures to arrive at an excessive fee determination.

In this case, the Plan Administrator determined that \$190.00 of the \$930.00 total charge is excessive. Based on information submitted by the Employer, the Trustees are of the opinion that the Plan Administrator used reasonable procedures to arrive at an excessive fee determination. Therefore, the Employer is not obligated to pay the portion of the charge denied as excessive.

The Trustees note that the Employer and the UMWA have jointly agreed to cooperate to help shield the beneficiary against providers who attempt to collect excessive charges.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee