

April 26, 1983

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81 -181

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 Request for Advisory Opinion concerning payment of charges for lodging for you and your spouse while she was receiving outpatient care at an out-of-area medical center.

Under Article III.A (7)(e) 1. of your Employer's Benefit Plan, benefits are provided for transportation 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. According to the information submitted, your Employer paid the charges for travel, meals and lodging for you and your spouse while in transit, as provided in the Funds' Travel Policy (attached hereto),

However, your Employer has denied payment of lodging and meal expenses while your spouse was an outpatient at the out-of-area medical center. There is no provision in your Employer's Benefit Plan which requires your Employer to pay such charges even though your spouse was receiving outpatient treatment at an out-of-area medical center. This is consistent with the Funds' Travel Policy for beneficiaries of the 1950 Benefit Plan and Trust which contains no provisions for covering such expenses. Therefore, your Employer is not responsible for the charges for lodging and meals for you and your spouse, incurred while she was an outpatient at an out-of-area medical center.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee