

November 1, 1983

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-183

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 the level of health benefits coverage for physician services.

Under Article III. A. (1) (a) (12) of the Employer's Benefit Plan, the Plan Administrator has the sole authority to determine whether a charge is excessive. The Trustees may, however, resolve disputes involving excessive fees to the extent that they may determine whether the Plan Administrator has adopted and applied procedures calculated to arrive at a reasonable excessive fee determination.

In this case, the Plan Administrator determined that \$900.00 of the \$2085.00 total charge is excessive. However, the Employer did not respond to the Trustees' requests for the methodology adopted and used by the Employer for determining that the fee was excessive.

Based on the information contained in the file, the Trustees are unable to determine that the Plan Administrator used reasonable procedures to arrive at an excessive fee determination and, therefore, are of the opinion that the Employer is obligated to pay the portion of the charge denied as excessive.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee