

Opinion of Trustees  
Resolution of Dispute  
Case No. 81-187  
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March 29, 1983

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

Re: Opinion of Trustees  
Resolution of Dispute  
Case No. 81-187

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.

According to the information submitted on September 4, 1981, you sustained an injury to your left eye while at work. This injury resulted in impairment of your vision to the extent that your uncorrected visual acuity was 20/400. However, your vision is correctable to 20/25.

Under Article III.B. (1)(c) of the Employer's Benefit Plan, amended June 7, 1981, loss of one member due solely to violent, external and accidental means shall qualify an Employee to receive a 512,500 dismemberment benefit. 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 is correctable to visual acuity of 20/25. Therefore, because you have not lost total vision of the eye, your Employer is not responsible for payment of a dismemberment benefit.

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