

August 29, 1983

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-238

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 the treatment of obesity.

According to the information submitted, your spouse weighed 297 pounds and her desirable weight is 130 pounds: She wishes to enroll in a Diet Center that consists of (1) a diet, (2) counseling, and (3) sales of a diet supplement. Participants are encouraged to see their personal physicians because the program is not overseen by a physician.

Under Article III. A. II. (a) 25. of the Employer Benefit Plan, charges for treatment of obesity are excluded from coverage except when a pathological, morbid form of severe obesity (200% or more of desirable weight) exists and prior approval is obtained from the Plan Administrator. Your spouse is 200% or more of her desirable weight and your Plan Administrator has determined that the physician services relative to the treatment of her morbid obesity are covered benefits under the Plan.

The Plan Administrator has denied your request, however, for prior approval of the services she wishes to receive at the Diet Center. Article III. A. II. (a) 27. of the Employer Benefit Plan excludes from coverage any type of service, supplies or treatments not specifically provided by the Plan. Because there is no provision in the Plan that allows for coverage of the services provided by the Diet Center, your Employer is justified in denying your request for prior approval of her treatment by the Diet Center and is not responsible for the provision of benefits.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

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Paul R. Dean, Trustee