

March 28, 1984

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-415

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 Resolution of Dispute concerning the coverage of a bicycle ergometer and pulsemeter under your Employer's Benefit Plan.

Article III A. (11) (a) 23. specifically excludes benefits for exercise equipment. Based on the information provided, the bicycle ergometer and pulsemeter that you are using are necessary, according to your physician, so that you may participate in a home exercise program subsequent to your outpatient cardiac rehabilitation treatment. However, although your physician has prescribed this equipment for your use and has indicated that it is important that you continue your cardiovascular exercises indefinitely, these devices must be considered exercise equipment.

Q&A #81-76, attached hereto, established that the home use of a stationary bicycle ergometer as part of a cardiac rehabilitation program is not covered under the Benefit Plan. According to Funds' medical staff, the pulsemeter, used to monitor the heart rate during exercise, is not reasonable or necessary to monitor a patient's pulse. The use of this device, in the context presented, establishes that it too falls in the realm of exercise equipment. Therefore, your Employer is not responsible for providing payment for the exercise equipment you use to maintain your optimal state of cardiac conditioning.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee

Subject: Stationary Bicycle Ergometer

Reference: Amended 1950 & 1974 Benefit Plans & Trusts,
Article III, Sections A (11) (a) 23 and A (6) (d)

Question:

Are benefits provided for home use of a stationary bicycle ergometer* as part of a cardiac rehabilitation program?

Answer:

No.

*Ergometer: an instrument used for measuring the amount of work done by a muscle over a period of time.