

August 31, 1984

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

Re: OpInIon of Trustees
Resolution of Dispute
Case No. 81-483

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 the Request for Resolution of Dispute submitted on your behalf concerning payment of a dismemberment benefit for loss of vision.

Under Article III B. (1) (c) of the Employer's Benefit Plan, loss of one member due solely to violent, external and accidental means shall qualify an Employee to receive a \$12,500 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.

On June 29, 1982, you sustained a penetrating injury to your right eye with a resulting intraocular foreign body. Subsequently, on two separate occasions, you underwent surgery to have the foreign body removed. The last attempt was successful. As a result of this injury, the lens in your right eye was also surgically removed. Your physicians have established that, without correction, the visual acuity in the injured eye was limited to hand motion which has been numerically represented as 20/800 vision. With the use of a soft contact lens, however, this defect is correctable to no less than 20/50 vision. Physicians who have examined and/or treated you note that you have obtained a maximum degree of Improvement following this injury, that your condition is stable, and that no further treatment is required.

Although your have a recognized visual Impairment in the injured eye, It has been corrected to a visual acuity of at least 20/50. Because you have not lost total vision of the eye, your Employer is not responsible for payment of a dismemberment benefit.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

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Paul R. Dean, Trustee
