

Opinion of Trustees  
Resolution of Dispute  
Case No. 81-502  
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October 29, 1984

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

Re: Opinion of Trustees  
Resolution of Dispute  
Case No. 81-502

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 you submitted concerning payment of a dismemberment benefit for loss of vision.

Under the Employer's Benefit Plan, if you lose one member due solely to violent, external and accidental means as the result of an injury occurring while insured and on or after June 7, 1981, you will be eligible to receive a \$12,500 dismemberment benefit. The Benefit Plan defines member as (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 11, 1983 you sustained a penetrating injury to your left eye with a resulting intraocular foreign body. Subsequently, you underwent corrective surgery on two separate occasions. Your physicians have established that without correction, the visual acuity in the injured eye ranges from 20/200 to 20/800 vision. According to the information you have provided, this defect is correctable to 20/70 vision with the use of a soft contact lens. You have indicated, however, that you cannot wear a contact lens in the mine. In addition, you note that your physician has stated that glasses could not be made for you because they would cause double vision. Although you have recognized visual impairment in the injured eye, it is correctable to a visual acuity of at least 20/70. Because you have not lost the sight in the injured 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

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