

Opinion of Trustees
Resolution of Dispute
Case No. 81-504
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October 29, 1984

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

Re: Opinion of Trustees
Resolution of Dispute
Case Number 81-504

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 prescription drug benefits for Anafranil under your Employer's Benefit Plan.

Article III A. 4 (a) of the Employer's Benefit Plan provides benefits for drugs used to treat or control an illness or nonoccupational accident which require a physician's prescription according to Federal or State law. See 1983 Contract 81-1, enclosed.

Anafranil, an experimental drug currently under investigation by the FDA, is not approved for manufacture or distribution in the United States. Therefore, it is not a drug which requires a prescription according to Federal and State law because it may not be dispensed under State or Federal law. Since this drug does not satisfy the benefit requirements established in Article III A. 4 (a) of the Employer's Benefit Plan and 1981 Contract 81-1, your Employer is not responsible for payment of charges for Anafranil, even if it is prescribed by a physician for your use.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee