

Opinion of Trustees
Resolution of Dispute
Case No. 81-544
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March 25, 1985

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-544

Pursuant to Article IX of the United Mine Workers of America ("UMWA") 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 benefits coverage under your Employer Benefit Plan for the fixed orthopedic-orthodontic maxillary and mandibular appliances (braces) to repair your spouse's dental arches for future orthognathic surgery and for coverage of all the charges related to any oral surgery deemed necessary.

According to Q&A 81-88, adopted by the Trustees and attached hereto, benefits are not provided for the treatment of temporomandibular joint dysfunction except when the treatment involves use of corrective external orthopedic appliances or corrective surgery to specifically reorient the temporomandibular joint. Because braces are an orthodontic appliance used to correct a malocclusion and not an external orthopedic appliance used specifically to reorient the temporomandibular joint, your Employer is not responsible for providing benefits coverage for your spouse's braces.

You also asked that your Employer pay any charges related to prospective oral surgery for your spouse's temporomandibular joint dysfunction. In this case, your Plan Administrator has not denied prior approval for the oral surgery, nor has payment been denied for charges related to the oral surgery. Therefore, your question presents no dispute for the Trustees to address.

Sincerely,

Harrison Combs, Chairman

Joseph P. Brennan, Trustee

William Miller, Trustee

Paul R. Dean, Trustee