

Opinion of Trustees
Resolution of Dispute
Case No. 84-073
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October 25, 1985

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 84-073

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 benefits coverage under the Employer Benefit Plan for the braces your spouse required for what you have stated to be medically necessary reasons.

Article III A (13)(a) 19 of the Employer Benefit Plan specifically excludes coverage for dental services. In a letter provided in support of this claim dated January 24, 1985, your spouse's oral surgeon states that "it should be noted that the orthodontic treatment is being done for the correction of a crippling dental malocclusion...." Orthodontics, according to Dorland's Medical Dictionary, is the branch of dentistry which deals with the development, prevention and correction of irregularities of the teeth and malocclusion, and with associated facial abnormalities. Orthodontic treatment is therefore considered a dental service and is not a covered benefit under your Employer's Plan.

Since the braces your spouse requires are considered orthodontic appliances used to correct a malocclusion, your Employer is not responsible for providing benefits for this service under the provisions of Article XX of the 1984 Bituminous Coal Wage Agreement (Agreement). Because the authority granted to the Trustees by the United States Department of Labor to resolve disputes is limited to disputes arising under the Employer Benefit Plans provided in Article XX of the Agreement, the Trustees may not address your question concerning coverage under Article XX-A of the 1984 Bituminous Coal Wage Agreement.

Sincerely,

Joseph P. Connors, Sr., Chairman

Paul R. Dean, Trustee

William B. Jordan, Trustee

William Miller, Trustee

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Donald E. Pierce, Jr., Trustee