

OPINION OF TRUSTEES

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In Re

Complainant: Employee  
Respondent: Employer  
ROD Case No: 84-306 - December 10, 1986

Board of Trustees: Joseph P. Connors, Sr., Chairman; Paul R. Dean, Trustee; William B. Jordan, Trustee; William Miller, Trustee; Donald E. Pierce, Jr., Trustee.

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 the facts and circumstances of this dispute concerning the provision of benefits for chiropractic service under the terms of the Employer Benefit Plan.

Background Facts

The Employee's spouse suffered a ruptured disc in March of 1985. A laminectomy was performed at this time. In March of 1986, the Employee's spouse began having low back pain. After the initial onset of back pain, she also began to experience pain down her right leg. She was referred by her attending physician to a chiropractor for physical therapy which could not be performed by a physical therapist.

Dispute

Is the Employer responsible for providing benefits for services rendered by a chiropractor to the Employee's spouse?

Positions of the Parties

Position of the Employee: The Employee contends that since his spouse's attending physician prescribed the treatments, the chiropractic care should be covered.

Position of the Employer: The Employer contends that the chiropractic services are not covered as they are specifically excluded from coverage under the Plan.

Pertinent Provisions

Article III. A. (3) (p) 1 of the Employer Benefit Plan states:

(p) Services not covered

1. Services rendered by a chiropractor or naturopathic services.

Article III. A. (11) (a) of the Employer Benefit Plan states in part:

- (a) In addition to the specific exclusions otherwise contained in the plan, benefits are also not provided for the following:

27. Any type of services, supplies, or treatments not specifically provided.

#### Discussion

According to Article III. A. (3) (p) of the Employer Benefit Plan, services rendered by a chiropractor are specifically excluded from coverage. The fact that a physician referred the patient to a chiropractor is not relevant.

#### Opinion of the Trustees

The Employer is not responsible for providing benefits for the services rendered to the Employee's spouse by a chiropractor.