

OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 84-662 - July 27, 1988

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 services under the terms of the Employer Benefit Plan.

Background Facts

In an effort to avoid surgery, the Employee was referred by his physician to a chiropractor for treatments to alleviate pain in his right arm and shoulder. The Employee states that the treatments were ineffective and he was subsequently referred to a neurosurgeon who performed surgery on March 7, 1988.

Dispute

Is the Employer responsible for providing benefits for chiropractic services rendered to the Employee?

Positions of the Parties

Position of the Employee: The Employee contends that since his physician prescribed the treatments as part of his course of treatment, the chiropractic services 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.

Discussion

Article III. A. (3)(p)1. of the Employer Benefit Plan states that services rendered by a chiropractor are specifically excluded from coverage. The fact that a physician referred the patient to a chiropractor as part of a course of treatment is not relevant.

Opinion of the Trustees

The Employer is not responsible for providing benefits for the chiropractic services rendered to the Employee.