
OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 88-269 - June 12, 1990

Board of Trustees: Joseph P. Connors, Sr., Chairman; Paul R. Dean, Trustee; William Miller, Trustee; Donald E. Pierce, Jr., Trustee; Thomas H. Saggau, 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 exercise equipment under the Employer Benefit Plan.

Background Facts

The Employee's spouse had a heart attack in March 1988 and underwent cardiac rehabilitation. Her osteopathic physician prescribed an exercise treadmill in order for her to continue a regular exercise program and to maintain her cardiovascular fitness.

The Employer denied benefits for the exercise treadmill.

Dispute

Is the Employer required to provide benefits for the exercise treadmill prescribed for the Employee's spouse?

Positions of the Parties

Position of the Employee: The Employer is required to provide benefits for the exercise treadmill because it is medically necessary for the Employee's spouse to continue a regular exercise program and to maintain her cardiovascular fitness.

Position of the Employer: The Employer is not required to provide benefits for the exercise treadmill because exercise equipment is specifically excluded under Article III. A. [11](a) 23. of the Employer Benefit Plan.

Pertinent Provisions

Article III. A. [6]Cd) of the Employer Benefit Plan states:

(d) Medical Equipment

Benefits are provided for rental or, where appropriate, purchase of medical equipment suitable for home use when determined to be medically necessary by a physician.

Article III. A. (11)(a) 23. of the Employer Benefit Plan states in part:

(11) General Exclusions

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

23. Exercise equipment

Discussion

Article III. A. (63(d) of the Employer Benefit Plan provides benefits for medical equipment suitable for home use when determined to be medically necessary by a physician.

In this case, the Employee's spouse's osteopathic physician prescribed the exercise treadmill so that the Employee's spouse could continue a regular exercise program and maintain her cardiovascular fitness. The exercise treadmill is a non-medical item that does not require professional judgment, recommendations or instructions to purchase or use. The Trustees have previously determined In ROD 88-148 (copy enclosed herein) that such items are considered convenience items and do not qualify as durable medical equipment under the Employer Benefit Plan. Furthermore, Article III. A. (11)(a) 23. specifically excludes exercise equipment from coverage. Therefore, the exercise treadmill is specifically excluded from coverage under the Plan.

Opinion of the Trustees

The Employer is not required to provide benefits for the exercise treadmill prescribed for the Employee's spouse.