

NAME:
REGARDING:

SS#:

Warehouse Employees Union Local No. 730 Health & Welfare Trust Fund

EMPLOYER: Eight O'Clock Coffee
PLAN: E

LOCAL: 730
STATUS: Full Time

ISSUE: Medical – Excluded Services

#M14/127-6021

FUND RULE:

"Exclusions Under Comprehensive Medical Benefit
Class E

7. Losses resulting from occupational injuries or illnesses."

(Warehouse Employees Union Local No. 730 Health & Welfare Trust Fund SPD, Page 60, #7)

SUMMARY: Appeal Received: June 27, 2014

The **participant** is appealing on behalf of his spouse for coverage of services, rendered after May 28, 2014, that are related to her November 30, 2013 neck and right shoulder injury.

Fund records indicate many medical claims were received for services rendered from December 3, 2013 through June 1, 2014 with diagnoses indicating the participant's spouse injured her neck and right shoulder. An accident inquiry was mailed to the participant's spouse on December 16, 2013 in order to verify the nature of the injury. The participant's spouse advised the Fund office on January 16, 2014 that she injured her neck at work ("Brightview Senior Living") on November 30, 2013 while "lifting." The claims were subsequently denied because work-related disabilities are excluded from coverage under the Fund. The participant's spouse later advised on May 30, 2014 that, "I went to my Workers' Compensation hearing. We settled before the hearing. They promised to pay all medical bills from January [through May 28, 2014]. My shoulder and neck injury they concluded was not a work injury."

After the appeal was received, a letter was mailed to the participant's spouse on July 8, 2014, requesting a copy of her settlement agreement. The settlement agreement, received on July 10, 2014, indicated the participant's spouse voluntarily settled her Workers' Compensation claim. Her employer denied her allegation that a work injury occurred, however, agreed to pay all casually related medical expenses incurred prior to May 28, 2014 only and the participant's spouse gave up her right to future medical expenses regarding this injury. After review, the claims remained denied because the participant's spouse agreed to accept a settlement for her work-related neck and right shoulder injury.

ACTION:

Approved

☐

Denied

☐

Tabled

☐

COMMENTS: