

ELECTRICAL WORKERS BENEFIT TRUST FUND, IBEW #481 CLAIMS APPEAL PROCEDURE

Each claimant, whose claim for benefits shall have been denied, in whole or in part, shall have the right to an appeal for a full and fair review of the determination so made, in accordance with the procedure hereinafter set forth.

For the purpose of this Section, an Appeals Review Committee has been established, the membership of which shall be, at all times, even in number. Appointment to the Appeals Review Committee shall be for such term as designated by Resolutions adopted by the Trustees as follows:

One-half (1/2) of the number thereof to be designated by the Management Trustees.

One-half (1/2) of the number thereof to be designated by the Labor Trustees.

The request for a full and fair review of the denial, in whole or in part, of the claim for benefits shall be made by the claimant, or by his/her duly authorized representative, by a plain, short written statement, delivered, in person or by registered or certified mail, to the Administrative Manager **within sixty (60) days of the date of receipt by the claimant of the Notice of Disapproval** of the claim for benefits.

Upon receipt of a written request for a review of the denial of benefits, the Administrative Manager shall promptly forward said request, along with all papers, files, documents, materials and information pertaining to the claim for benefits and the denial thereof, to the Appeals Review Committee.

The Appeals Review Committee, on receipt of the request for review made by the claimant, shall immediately set the same for a hearing thereon, upon a day certain, and provide for a decision by the Appeals Review Committee within sixty (60) days, unless special circumstances exist requiring an extension of time, in which event the decision shall be rendered not later than one hundred twenty (120) days from the date of receipt of the written request for review.

Upon the hearing to be had, the claimant shall have the right to counsel present at his/her expense. Prior to the hearing date, upon reasonable notice to the Appeals Review Committee, the claimant, by themselves, or by counsel, shall have the right:

1. To review all pertinent documents, information and other materials relevant to their claim for benefits.
2. To submit to the Appeals Review Committee, in writing, issues and comments for its consideration.

Each decision made by the Appeals Review Committee shall be in writing, in plain and concise language understandable by the claimant, and shall set forth therein the reason for the decision made and the pertinent provisions of the Benefit Plan established and maintained by the Trustees, on which such decision is based.

Notwithstanding the foregoing, if upon preliminary examination and review by the Appeals Review Committee of all documents, information, and materials forwarded and received, the Appeals Review Committee is of the opinion that it is required to reverse the determination of denial previously made and to grant to the claimant benefits in accordance with the claim therefore, its opinion relating thereto, reduced to writing, shall be immediately forwarded to the claimant, and the hearing thereon shall thereupon be deemed cancelled. In addition to notice thereof to the claimant, the Appeals Review Committee shall forward a copy of its decision to the Board of Trustees and shall request the Trustees to provide for the payment of benefits in accordance with the provisions of the Benefit Plan aforesaid.

The decision of the Appeals Review Committee shall be subject to a rehearing thereon for a period of thirty (30) days from the date of its rendition, and thereafter it shall be final and conclusive and binding upon the claimant and all other persons. There shall be only one (1) rehearing.

The failure of the claimant to request, within the time herein provided, review of the determination made by the Administrative Manager denying the claim for benefits, in whole or in part, shall be considered as consent to the determination so made.

In the event the claimant or his/her representative fails to appear on the hearing date, or has failed to request a continuance prior to the hearing date as provided herein, the Appeals Review Committee shall proceed to review the decision based on all documents, information, and material forwarded and received.

A request for a continuance of the hearing date must be received by the Appeals Review Committee prior to the hearing date and shall be granted only in cases where special circumstances exist warranting such action. In the event a new hearing date is ordered, it shall be scheduled immediately and shall permit the Appeals Review Committee to render a decision not later than one hundred twenty (120) days from the date of receipt of the written request for review by the Administrative Manager.