



THE ROAD
TO A *healthier* YOU

To All Participants:

The Department of Labor has issued new regulations for administering claims and appeals for disability benefits. These new rules apply to claims for disability benefits filed on or after April 1, 2018.

If your claim for disability benefits is denied, or an appeal of the claim denial is denied, the Plan will provide you with a description of the review process applicable to disability claims and a discussion of the decision including an explanation, if applicable, of the basis for disagreeing with or not following:

1. The views presented by your health care and/or vocational professionals;
2. The views of medical and/or vocational experts whose advice was obtained by the Plan in connection with this adverse benefit determination without regard to whether the advice was relied upon in making the benefit determination; and
3. Your disability determination from the Social Security Administration.

In addition, you will be provided either the specific internal rules, guidelines, protocols, standards or other similar criteria the Plan relied upon in making the adverse determination or, alternatively, a statement that such rules, guidelines, protocols, standards or other similar criteria of the Plan do not exist.

During the time an appeal of a claim denial for a disability benefits is being considered, the Fund Office will provide you, free of charge, with any new or additional evidence or rationale considered, relied upon, or generated by the Plan, insurer or other person making the benefit determination in connection with the claim and you will be given a reasonable opportunity to respond prior to the date that the Trustees must make a decision on your appealed claim.

Finally, it should be noted that this Summary of Material Modifications only summarizes the changes required under the new regulations. You should review the Summary Plan Description if you are filing a claim for any benefits or filing an appeal of a claim denial. If you have any questions, please contact the Fund Office.

Sincerely,

Your Board of Trustees

This announcement serves as a Summary of Material Modifications (SMM) for the Operating Engineers Local #49 Health & Welfare Fund. Full details are contained in the documents that establish the Plan provisions. If there is a discrepancy between the wording here and the documents that establish the Plan, the document language will govern. Please keep this SMM with your Summary Plan Description (SPD) for future reference.

March 2018