



United Transportation Union

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April 18, 2011

Mark H. Cook
General Chairperson, GO-898 (NS)
427 W. Broadway Ave.
Maryville, TN 37801-4709

Dear Sir and Brother:

This has reference to the letter of April 7, 2011 from previous General Chairperson P. E. Emert, with which was enclosed correspondence from Designated Legal Council Michael Warshauer, concerning the manner in which Norfolk Southern requires that on-duty injury claims be handled. It is being suggested that Norfolk Southern is attempting to control the medical treatment of injured members and further that a member of my staff affirmed that the Carrier could control the treatment in this manner.

While the comments expressed are noted, the interpretation of the Carrier's action and information received from this office is incorrect.

Members injured on-duty cannot be denied the medical benefits provided through the collectively bargained national Health & Welfare plans, nor can the Carrier control the access to those benefits. In fact, the H&W Plans provide extended benefits for employees and their eligible dependents when employees are unable to work for extended periods as a result of disabling injuries or illnesses.

With regard to the processing of medical claims and experience rating of the plans when determining monthly payment rates and monthly employee contributions, the claims fall into two categories — on-duty (AO) and foreign-to-occupation (FO). Only FO claims are considered when determining the employee monthly contribution amount.

When claims are received by the insurance company with an indication that it is for an on-duty injury, they are required to obtain authorization from NS that it is, in fact, related to the on-duty injury. This does not in any way restrict the payments pursuant to the Plan provisions but only properly identifies the claim as AO versus FO. All eligible claims are payable under the plan to all eligible employees and/or the eligible dependents per the plan.



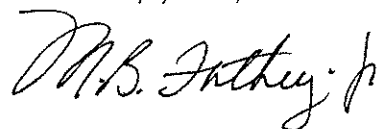
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Regarding the specific case identified by DLC Warshauer where the member was delayed the scheduled surgery, we are unable to identify the member so as to have Aetna investigate the circumstances related to it. I would agree, however, that it may have been improper for the surgery to be postponed for the reason cited. The surgery could have been performed on the scheduled date and the AO/FO question could have been resolved after the fact. If you can provide the members name we will certainly look into the reason for Aetna's determination.

I am taking the liberty of forwarding a copy of this correspondence to the Aetna account representative for information and request that Aetna provide whatever additional information as may be appropriate.

Trusting this reply addresses the concerns raised by your office, I am

Fraternally yours,



M. B. Futhey, Jr.
International President

cc: A. Martin, III, Assistant President
K. N. Thompson, General Secretary and Treasurer
T. S. Secord, Executive Assistant to the President
M. J. Warshauer, UTU Designated Legal Council
Dawn Fairhurst, Aetna (with enclosure)