

A.F.L. HOTEL AND RESTAURANT WORKERS TRUST FUNDS

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HEALTH & WELFARE • PENSION • TRAINING

February 13, 2007

TO: ALL PARTICIPANTS OF THE KAISER BARGAINING UNIT
AFL HOTEL & RESTAURANT WORKERS HEALTH & WELFARE TRUST

FROM: Board of Trustees

RE: **COMPREHENSIVE MEDICAL PLAN**

I. COMPREHENSIVE MEDICAL PLAN

Effective December 20, 2006, the Comprehensive Medical Plan includes an advance or loan provision for third party liability claims. The "Third Party Liability" provision on page 71 of the Summary Plan Description has been replaced by the following provision, and applies to injury or illness caused by a third party on and after March 9, 2005:

THIRD PARTY LIABILITY

If an injury or illness is or may have been caused by a third party and you have a right or assert a right to recover damages from that third party or your own insurance company, the plan is not liable for benefits in connection with services rendered. However, upon the execution and delivery to the Trust Fund of all papers it requires to secure its rights of reimbursement, the plan may pay such benefits. Such payments shall be considered only as an advance or a loan to you and you agree to repay 100% of this advance or loan, without any deduction for legal fees and costs which you incurred or paid, from any recovery received, however classified or allocated, and you promise not to waive or impair any of the rights of the Trust Fund without written consent.

If the plan makes payments for such injury or illness, the Trust Fund shall have reimbursement rights and shall have a lien on that portion of any recovery you obtain from the third party or your insurance company which is due for said benefits paid by the plan, even if the recovery does not make you whole or does not include medical payments. Such lien may be filed with you, the third party, his or her agent or insurance company, your insurance company, any other person or party holding such recovery for you, or the court. If you do not repay the loan from the recovery, the Trust Fund has the right to either:

1. Take legal and/or equitable action to collect 100% of any payments made plus any legal fees and costs incurred or paid by the plan to secure reimbursement, or
2. Offset future benefit payments by the amount of such reimbursement plus any legal fees and costs incurred or paid by the plan to secure reimbursement.

However, there continues to be no coverage under the Plan for third party liability claims. The Plan will not be liable for the provision of any benefits where an injury or illness is or may have been caused by a third party and you have a right or have asserted a right to recover damages from that third party or your insurance company.

Should you have any questions, please contact HMA at (808) 951-4621 or (866) 377-3977 for Neighbor Islands.