

December 5, 1979

(Opinion issued in letter form; name and address deleted)

ROD No: 71

This is in reference to your recent request for an opinion with respect to the eligibility of your stepson for health benefit coverage as your dependent under the benefit plan established by your Employer pursuant to Article XX of the National Bituminous Coal Wage Agreement of 1978.

The information presented indicates that your stepson, a 15-year-old student living in your household, is receiving \$277.00 a month in Social Security Benefits and that he incurred hospital expenses of approximately \$2200. Payment of these expenses was denied on the basis that your stepson did not qualify as your dependent under the Employer's Benefit Plan as you were not providing on a regular basis more than one half of his support.

In establishing guidelines for determining dependency of family members of Employees for health benefit coverage, the Trustees adopted Eligibility Q & A designated H-22, which provides, in part, as follows:

- (2) Unmarried dependent children under 22 years of age (including stepchildren, adopted children, and illegitimate children): Dependency is presumed if the children are living in the participant's household and their earnings from employment do not exceed \$200 a month. Children's income from sources other than employment is disregarded in making the determination.

Children who are full-time students may earn more than \$200 a month and remain eligible for health benefits even if they are not living in the participant's household.

Based on the foregoing, it is our opinion that your stepson qualifies as your dependent for purposes of health benefit coverage under your Employer's Benefit Plan and payment for the hospital services rendered your stepson is the responsibility of the Plan.

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee