

RE: Opinion of Trustees  
Resolution of Disputes  
Case No. 156  
January 27, 1981

Pursuant to Article IX of the UMWA 1950 Benefit Plan and Trust, and under the authority of an exemption granted by the United States Department of Labor, the Trustees have received a question concerning the provision of health benefits to a common law spouse of a deceased Employee under the Employer's Benefit Plan. Their opinion is issued in Question and Answer form as follows:

**Subject:** Eligibility for Health Benefits; Common Law Spouse

**References:** Article II, D and E of the Employer's Benefit Plan; Q & A #5

**Question:** Under the Employer's Plan, if a common law relationship is established, can a common law spouse qualify for health benefits as the surviving spouse of a deceased participant?

**Answer:** Yes. A common law spouse is a "spouse" for all purposes under the Plan. And the fact that state law may not recognize common law marriages is immaterial.

A common law marriage, however, cannot be established as long as the participant, or the spouse, remains married to another person. Moreover, the relationship cannot be a casual one, but must have been one of substantial and continuous duration. The "spouse" in such cases must have been held out by the participant as a spouse, and recognized by others in the community as such.

Once it is established that a relationship meets the guidelines above, eligibility for health benefits of a participant's common law spouse, or common law surviving spouse, should be determined in accordance with Article II, Sections D and E of the Plan.