

OPINION OF TRUSTEES

In Re

Complainant: Disabled Employee
Respondent: Employer
ROD Case No: 81-361 - January 30, 1984

Board of Trustees: Harrison Combs, Chairman; John J. O'Connell, Trustee; Paul R. Dean, Trustee.

Pursuant to Article IX of the United Mine Workers of America ("UMWA") 1950 Benefit Plan and Trust, and under the authority of an exemption granted by the United States Department of Labor, the Trustees have reviewed the facts and circumstances of this dispute concerning the provision of health benefits coverage for a disabled Employee by the Employer under the terms of the Employer's Benefit Plan and hereby render their opinion on the matter.

Background Facts

The Complainant's last classified signatory employment in the coal industry was for the Respondent on August 14, 1980. The Complainant filed for Social Security Disability Insurance Benefits under Title II of the Social Security Act on August 19, 1980. His application was approved November 4, 1981, effective August 15, 1980.

The Complainant filed an application for pension benefits under the UMWA 1974 Pension Plan on December 21, 1981. Over the next eighteen months, the Complainant collected and submitted evidence of his claimed employment in the coal industry.

On July 8, 1983, the Complainant was advised by letter that the Funds had reviewed his work history and, on the basis of his 20-1/2 years of credited service, combined with his age (under 55), and evidence that he was awarded Social Security Disability Insurance benefits, it had been determined that he may be eligible for health benefits as a disabled miner. He was advised to contact his last signatory employer, the Respondent, which also received a copy of that letter.

The Respondent has not provided the Complainant with health benefits coverage.

Dispute

Is the Respondent responsible for the provision of health benefits coverage for the Complainant and his eligible dependents?

Positions of Parties

Position of the Complainant: The Complainant asks that his health benefits coverage be reinstated.

Position of the Respondent: The Respondent denies responsibility for the Complainant's health benefits for the following reasons:

1. Any disability from which the Complainant may be suffering entitling him to a Social Security Disability award is not work related; and
2. The Respondent contests the fact that the Complainant is disabled and entitled to a Social Security Disability Award.

Pertinent Provisions

Article I. (1), (2), (4) and (9) of the Employer's Benefit Plan provide:

Article I - Definitions

The following terms shall have the meanings herein set forth:

1. "Employer" means (coal company).
2. "Wage Agreement" means the National Bituminous Coal Wage Agreement of 1981, as amended from time to time and any successor agreement...
4. "Employee" shall mean a person working in a classified job for the Employer eligible to receive benefits hereunder...
9. "Signatory Service" shall have the meaning assigned to such term in United Mine Workers of America 1974 Pension Plan (the "1974 Pension Plan") or any successor thereto.

Article II. C. (1) and (2) of the Employer's Benefit Plan provide:

Article II - Eligibility

- C. Disabled Employees

In addition to disabled Pensioners who are receiving pension benefits and are therefore entitled to receive health benefits under paragraph B of this Article II, health benefits under Article III shall also be provided to any Employee who:

- (1)(a) Has completed 20 years of credited service, including the required number of years of signatory service pursuant to Article IV C (6) of the 1974 Pension Plan or any corresponding paragraph of any successor thereto, and
 - (b) has not attained age 55, and
 - (c) became disabled after December 6, 1974 while in classified employment with the Employer, and
 - (d) is eligible for Social Security Disability Insurance Benefits under Title II of the Social Security Act or its successor;
- (2) becomes totally disabled due to a compensable disability within four years of the date the Employee would be eligible to receive a pension under the 1974 Pension Plan or any successor thereto, as long as the Employee continues to be so disabled during the period for which Workers' Compensation payments (Workers Compensation does not include Federal Black Lung Benefits) are applicable

Discussion

Under Article II.C.(1) of the Employer's Benefit Plan, an individual is eligible for benefits coverage if he satisfies the service pension eligibility requirements, except for age, under the UMWA 1974 Pension Plan, became disabled after December 6, 1974, while in classified employment with the Employer, and is eligible for Social Security Disability Insurance ("SSDI") benefits under Title II of the Social Security Act. The Complainant satisfies the service pension eligibility requirements of the UMWA 1974 Pension Plan and is not yet age 55. He received an SSDI award effective August 15, 1980, the day after his last date worked for the Employer. This award establishes that he became disabled after December 6, 1974 while in classified employment with the Employer. Based on these facts, the Complainant satisfies the benefits coverage eligibility requirements of Article II.C.(1) of the Employer's Benefit Plan.

Nevertheless, the Respondent denies responsibility for the Complainant's benefits coverage. The Respondent claims that, although the Complainant has received an SSDI award, he does not satisfy the SSDI eligibility requirements and, alternatively, that any disability he may have is not work related. Unlike the requirements of Article II.C.(2). of the Employer's Benefit Plan, which states that an individual's disability must stem from a compensable injury in order to be considered eligible for health benefits coverage, there is no such requirement in Article II.C.(1) of the Employer's Benefit Plan. Moreover, as the Complainant has received an SSDI award, he must be considered eligible for SSDI benefits within the meaning of Article II.C.(1)(d) of the

Opinion of Trustees
Resolution of Dispute
Case No. 81-361
Page 4

Employer's Benefit Plan, as long as his SSDI award is in effect. Consequently, the Complainant is eligible for benefits coverage under the Employer's Benefit Plan.

Opinion of the Trustees

The Trustees are of the opinion that the Complainant meets the requirements of eligibility as provided by Article II. C. (1) of the Plan. Therefore, the Respondent is responsible for the provision of health benefits coverage for the Complainant and his eligible dependents effective August 15, 1980, and continuing for as long as he continues to satisfy those requirements.