
OPINION OF TRUSTEES

In Re

Complainant: Disabled Pensioner
Respondent: Employer
ROD Case No: 81-413 - March 26, 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 benefits coverage for a disabled Pensioner by the Employer under the terms of the Employer's Benefit Plan and hereby render their opinion on the matter.

Background Facts

The Complainant was employed by the Respondent from January 10, 1977, through January 17, 1977, at which time he sustained a compensable injury. He returned to work for the Respondent on July 17, 1977, with a sixteen (16) percent loss of hand at the wrist. On November 22, 1979, the Complainant began to experience chest pains and shortness of breath while working. He continued to work for the Respondent until November 25, 1979, at which time he completed his shift and then went to a local hospital for treatment of the continuing chest pains. The Respondent assumed that the Complainant left work due to a heart attack and not a work-related injury.

On July 21, 1980, the Complainant filed an application with the Workers' Compensation Commission for permanent occupational disease benefits as a result of "pneumoconiosis and a heart attack/injury." Although the claim for pneumoconiosis benefits was dismissed, the Workers' Compensation Commission awarded him 100 percent permanent occupational benefits on March 8, 1982. The rationale was that, on November 22, 1979, the Complainant's work resulted in "the arousal of a dormant, non-disabling disease or condition into disabling reality."

On February 26, 1980, the Complainant filed for Social Security Disability Insurance ("SSDI") benefits. His application was approved on March 14, 1980, effective November 25, 1979.

The Complainant filed an application for disability pension benefits under the UMWA 1974 Pension Plan on August 18, 1982. On May 3, 1983, the Complainant was advised by letter that

the Funds had reviewed his application for disability pension benefits and had determined that he was totally disabled as a result of a mine accident and was therefore eligible for a disability pension from the Funds, retroactive to December 1979. He was advised to contact his last signatory employer, the Respondent, concerning the provision of health benefits coverage. The Respondent also received a copy of that letter but has not provided the Complainant with health benefits coverage.

Dispute

Is the Respondent responsible for the provision of health benefits coverage for the Complainant?

Positions of the Parties

Position of the Complainant: The Complainant asks whether the Respondent is responsible for the provision of his health benefits coverage.

Position of the Respondent: The Respondent denies responsibility for the Complainant's health benefits coverage, as it does not agree that the Complainant's disability is work-related.

Pertinent Provisions

Article I (1),(2), and (5) 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....
- (5) "Pensioner" shall mean any person who is receiving a pension, other than (i) a deferred vested pension based on less than 20 years of credited service, or (ii) a pension based in whole or in part on years of service credited under the terms of Article II G of the 1974 Pension Plan, (or any successor thereto), subject to provisions of Article II B of this Plan.

Article II B. (1) of the Employer's Benefit Plan provides:

Article II - Eligibility

- B. Pensioners

Health and life insurance under Article III hereof shall be provided to Pensioners as follows:

- (1) Any Pensioner who is not again employed in classified signatory employment subsequent to
 - (a) such Pensioner's initial date of retirement under the 1974 Pension Plan, and
 - (b) June 7, 1981,
shall be eligible for coverage as a Pensioner under, and subject to all other provisions of this Plan. Notwithstanding (i) and (ii) of the definition of Pensioner in Article I (5) of this Plan, any such Pensioner who was eligible for benefits under the 1974 Benefit Plan as a Pensioner on December 5, 1977, shall be eligible for such benefits, subject to all other provisions of this Plan.

Discussion

Article II B. (1) of the Employer's Benefit Plan establishes that an individual eligible for pension benefits under the UMWA 1974 Pension Plan is eligible for benefits coverage under the Employer's Benefit Plan. It has been established that the Complainant is eligible for disability pension benefits under that Plan and that his last signatory Employer was the Respondent. The Complainant therefore satisfies the benefits eligibility requirements of Article II B. (1) of the Employer's Benefit Plan.

Nevertheless, the Respondent has refused to provide benefits coverage to the Complainant, because the Respondent believes that the Complainant's disability is not work-related. As the Complainant has been awarded a disability pension under the UMWA 1974 Pension Plan, he must be considered a Pensioner within the meaning of Article II. B. of the Employer's Benefit Plan as long as his pension is in effect. Consequently, the Complainant is eligible for benefits coverage under the Employer's Benefit Plan.

Opinion of the Trustees

The Complainant meets the requirements of eligibility as provided by Article II B. (1) of the Employer's Benefit Plan. Therefore, the Respondent is responsible for the provision of health benefits coverage for the Complainant effective December 1979, and continuing for as long as he continues to satisfy those requirements.