

Opinion of Trustees
Resolution of Dispute
Case No. 84-062

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August 26, 1985

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

Re: Resolution of Dispute
Case Number 84-062

Pursuant to Article IX of the United Mine Workers of America ("UMWA") 1950 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 regarding your eligibility for health benefits coverage under the Employer Benefit Plan.

Information submitted to the Trustees shows that your husband last worked for the Employer in a classified position through January 7, 1983, when he left work due to medical necessity. He received Sickness and Accident (S&A) benefits from January 7, 1983 through November 12, 1983. He was receiving Social Security Disability benefits at the time of his death, May 16, 1985, at age 53.

It is the position of the Employer that your eligibility for health benefits coverage expired on May 31, 1985. This dispute arises as a result of your inquiry as to whether that decision is substantiated under the terms of the Employer Benefit Plan.

Article II E (3) states that health benefits coverage shall be provided for the surviving spouse and dependents of deceased employees who were eligible to receive health benefits coverage, provided the surviving spouse is eligible to receive life insurance benefits. Under Article II C (3) of the Employer Plan, life insurance benefits are provided for disabled Employees only if their death occurs within their period of eligibility for S&A benefits. Your husband's eligibility for S&A benefits expired on November 12, 1983. Consequently, because you are not eligible to receive life insurance benefits under the Employer Benefit Plan, the Trustees conclude that the Employer is not responsible for your health benefits coverage beyond May 31, 1985. This conclusion is consistent with the decision the Trustees rendered in ROD No. 81-506 (enclosed herein).

The exemption granted by the Department of Labor permits the Trustees to resolve disputes between Employers and Beneficiaries concerning health benefits coverage under the Employer Benefit Plan. The question you raise concerning your eligibility for a Surviving Spouse's Pension on the anniversary of your deceased husband's 55th birthday does not involve such a dispute and should appropriately be addressed to the Funds' Beckley Field Service Office by submitting an application for benefits.

Sincerely,

Joseph P. Connors, Sr., Chairman

Paul R. Dean, Trustee

William B. Jordan, Trustee

William Miller, Trustee

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Donald E. Pierce, Jr., Trustee