
OPINION OF TRUSTEES

In Re

Complainant: Disabled Employee
Respondent: Employer
ROD Case No: 84-407 - June 18, 1987

Board of Trustees: Joseph P. Connors Sr., Chairman; Paul R. Dean, Trustee;, William B. Jordan, Trustee; William Miller, Trustee; Donald E. Pierce, Jr., 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 under the terms of the Employer Benefit Plan.

Background Facts

The Complainant, 44 years of age, was employed in a classified position with the Respondent until he became disabled because of coronary artery disease on November 5, 1985. The Respondent provided the Complainant with continued health benefits coverage through September 30, 1986, when such coverage was terminated. On June 20, 1986, the Complainant was awarded Social Security Disability Insurance (SSDI) benefits, effective November 5, 1985. In a letter dated January 30, 1987, the Complainant was notified by the Funds that because he was working in a classified job for a signatory Employer when he became disabled, is eligible to receive SSDI benefits and will be eligible upon attaining age 55 to receive a pension based on at least 20 years of credited service, he may be eligible for health benefits as a disabled Employee. The Complainant was advised by the Funds to contact his last signatory Employer, the Respondent, to determine his eligibility.

The representative for the Complainant has submitted outstanding bills for medical services and prescriptions provided to the Complainant between October 30, 1986 and February 9, 1987. The Complainant's representative contends that the Respondent is responsible for the provision of health benefits for the Complainant as a disabled Employee.

Dispute

Whether the Respondent is responsible for providing the Complainant with health benefits as a disabled Employee.

Positions of the Parties

Position of the Complainant: The Respondent is responsible for providing his health benefits as a disabled Employee.

Position of the Respondent: The Respondent has not replied to repeated correspondence regarding its position in this dispute.

Pertinent Provisions

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

Article I - Definitions

The following terms shall have the meanings herein set forth:

- (1) "Employer" means (name of coal company).
- (2) "Wage Agreement" means the National Bituminous Coal Wage Agreement of 1984, 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.

Article II C. (1) (a), (b), (c) and (d) of the Employer Benefit Plan provide:

Article II - Eligibility

The persons eligible to receive the health benefits pursuant to Article III are as follows:

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;

Discussion

Under Article II C. (1) of the Employer Benefit Plan, a disabled Employee is entitled to health benefits coverage if he has not attained age 55; satisfies the 20-year service pension eligibility requirement under the 1974 Pension Plan, including the required number of signatory service years; became disabled after December 6, 1974, while in classified employment with the Employer; and is eligible for Social Security Disability Insurance benefits under Title II of the Social Security Act. Inasmuch as the Complainant meets the foregoing eligibility requirements of Article II C. (1) of the Employer Benefit Plan, he is entitled to health benefits coverage from the Respondent, effective November 5, 1985.

Opinion of the Trustees

The Respondent is responsible for providing the Complainant with health benefits as a disabled Employee.