

April 6, 1984

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-346

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 your Request for Advisory Opinion concerning benefits coverage, and hereby render their opinion in this matter.

The Complainants are Employees of the Respondent who were not provided with benefits coverage from March 15, 1983 through June 9, 1983, a period during which the Respondent operated a mine where most of the Complainants worked. The Complainants contend that they were entitled to benefits coverage for the period in question. Respondent has not replied to any of our correspondence.

According to the Funds' audit file, the Respondent was incorporated in November 1981, the same time that it became signatory to the National Bituminous Coal Wage Agreement of 1981. Although the corporate stock was purchased by a non-signatory holding company on May 12, 1983, that transaction did not affect Respondent's contractual obligations.

Under Article XX(c) (3) (i) of the 1981 Wage Agreement, each signatory employer is required to establish and maintain a benefit plan to provide health and other non-pension benefits to its eligible employees. The benefits provided by the Employer are guaranteed during the term of the Wage Agreement at the levels set forth in the plan. Therefore, the Trustees conclude that the Respondent is responsible for the provision of benefits coverage to the Complainants during the period in question, March 15 through June 9, 1983.

The Complainants also ask whether the benefit plan the Respondent provided effective June 10, 1983, complies with the 1981 Wage Agreement. The Trustees have not been provided with evidence of an actual dispute between an employee and his employer concerning the level of health benefits coverage as established by the 1981 Wage Agreement. Therefore, there is no issue for the Trustees to address in this regard.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

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Paul R. Dean, Trustee
