

October 12, 1984

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

SSN:

Re: Resolution of Dispute

Case Number 81-491

Pursuant to Article IX of the United Mine Workers of America 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 an Employer's responsibility to provide health and other non-pension benefits at the level prescribed by the terms of the National Bituminous Coal Wage Agreement of 1981 (Wage Agreement). The Trustees hereby render their opinion in this matter.

According to evidence submitted by several Employees of Krest Coal Company, including copies of itemized health care invoices reflecting insurance payments and copies of group medical insurance identification cards, it appears that the level of benefits coverage provided by the Employer is not consistent with that required of Employer Benefit Plans. These Employees have asked that the Employer provide benefits coverage at the level specified in the Wage Agreement and in the Plans which are incorporated by reference therein. They have also asked that all outstanding p t bills for covered health services, as well as those incurred in the future, be paid by the Employer at the level provided in the Wage Agreement and that the Employees be reimbursed for covered expenses they have incurred.

The Employer has failed to respond to repeated correspondence from the funds requesting its position in this dispute. Therefore, the Trustees must decide this dispute based on the available information.

Benefit levels to be provided to Employees, Pensioners and their dependents and survivors are established through collective bargaining and are not subject to unilateral change by either party. The Employer is responsible for provision of benefits coverage at the level specified in the Wage Agreement for Employer Benefit Plans.

The evidence submitted indicates that the level of benefits provided by the Employer does not meet the requirements of the Employer Benefit Plans. The Trustees have therefore determined that the Employer is responsible for payment of outstanding bills for services that should be covered under the Plan and for reimbursement of covered expenses incurred by the Employees.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee

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