

June 25, 3985

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

Re: **Opinion of Trustees**
Resolution of Dispute
Case No. 81-595

Pursuant to Article IX of the United Mine Workers of America ("UMWA") 3950 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 an Employee with health benefits at the level prescribed by the terms of the National Bituminous Coal Wage Agreement of 3981 (Wage Agreement). The Trustees hereby render their opinion on this matter.

This dispute arises from your claim that your Employer is not providing benefits coverage to you at the level specified in the Wage Agreement for Employer Benefit Plans. You have submitted copies of itemized health care invoices dating from April 1982 through October 3983, and invoices reflecting denial of insurance coverage. You have requested that the Employer pay for covered health care services rendered during that period.

Your Employer claims that it has paid its insurance premiums and that the denial is a matter that is strictly between you and the insurance carrier.

Under Article II A (3) and (4) of the Employer Benefit Plan, persons who are actively at work for the Employer on the effective date of the Wage Agreement are eligible to receive the health benefits pursuant to Article III of the Plan. Persons employed after the date of the Wage Agreement will be eligible from the first day worked with the Employer.

Funds records show that you have been actively employed by the Employer since April 3976. The Employer is therefore responsible for providing health benefits coverage to you at the level specified in the applicable Agreement. Article XX Section (c)(3)(i) of the 1983 Wage Agreement states that "each signatory Employer shall establish and maintain an Employee benefit plan to provide, implemented through an insurance carrier(s), health and other non-pension benefits for its Employees covered by this Agreement...." The Employer, through its Plan Administrator, is responsible for assuring that the insurance

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carrier administers health benefits in accordance with the guidelines of the Wage Agreement and the Employer Benefit Plan.

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 Trustees have therefore determined that the Respondent is responsible for payment of claims you submitted for services rendered during your period of eligibility for benefits.

Sincerely,

Harrison Combs, Chairman

Paul R. Dean Trustee

William B. Jordan, Trustee

William Miller, Trustee

Donald E. Pierce, Jr., Trustee