
OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 11-0001

Trustees: Michael H. Holland, Daniel L. Fassio, and Marty D. Hudson

The Trustees have reviewed the facts and circumstances of this dispute concerning the provision of benefits under the terms of the Employer Benefit Plan.

Background Facts

Complainant is employed by, and receiving health benefits coverage from, Respondent. On August 22, 2011, Complainant's alleged common-law wife called Respondent to inquire about her eligibility for health benefits from Respondent. During that call, the alleged common-law wife claimed that she was Complainant's fiancée, she had been with Complainant for eight years but still had not married him, she got burned once and she was scared to do it again. Consequently, Respondent denied health benefits coverage to her. Complainant seeks health benefits for his alleged common-law wife and, to support his claim of a common-law marriage, has submitted: (1) a divorce decree establishing that he divorced his ex-wife on January 17, 2006; (2) a notarized statement by the alleged common-law wife that she has never been married to anyone; (3) a letter from a bank confirming that Complainant and his alleged common-law wife have maintained a joint bank account since 2007; and (4) two notarized statements from individuals claiming that Complainant and his alleged common-law wife have presented themselves as husband and wife to such individuals since at least 2009.

Dispute

Is Respondent required to provide health benefits coverage to Complainant's alleged common-law wife?

Positions of the Parties

Position of the Complainant: Respondent is required to provide health benefits coverage to Complainant's alleged common-law wife pursuant to the terms of the Employer Benefit Plan.

Position of the Respondent: Claimant's alleged common-law wife identified herself as a fiancée, and not a common-law spouse, on the August 22, 2011, phone call and is, therefore, not eligible for health benefits coverage from the Employer Benefit Plan.

Pertinent Provisions

Article II(D)(1) of the Employer Benefit Plan states:

ARTICLE II ELIGIBILITY

D. Eligible Dependents

Health benefits under Article III shall be provided to the following members of the family of any Employee, Pensioner, or disabled Employee receiving health benefits pursuant to sections A, B, or C of this Article II:

- (1) A spouse who is living with or being supported by an eligible Employee or Pensioner;

Q&A H-1(81) states, in pertinent part:

If there is no living spouse of either party in the background, a valid common-law marriage exists if the relationship has been one of substantial and continuous duration and the parties have been living together openly as married persons and are recognized as such in the community.

Assuming a valid common-law marriage has been established, the dependent spouse will be eligible for health benefits and the children will also be eligible if they are dependent on the participant.

Discussion

Article II(D)(1) of the Employer Benefit Plan provides health benefits to a spouse who is living with or being supported by an eligible employee. The Trustees have previously decided that a common-law spouse may be eligible for health benefits from the Employer Benefit Plan (see RODs 156, 81-685, 84-256 and 88-245). To establish a common-law marriage, Q&A H-81 requires that: (1) there is no living spouse in the background; (2) the relationship is of substantial and continuous duration; and (3) the parties have been living together openly as married persons and are recognized as such in the community. The Trustees decided that a relationship must continue for a period of not less than nine months to be of substantial and continuous duration (see ROD 84-256).

Complainant's divorce decree and his alleged common-law wife's notarized statement that she has never been married to anyone are sufficient to establish that there is no living spouse in the background. The individuals' notarized statements that Complainant and his alleged common-law wife have presented themselves to such individuals as husband and wife since at least 2009 are sufficient to establish that the relationship is of substantial and continuous duration. The individuals' notarized statements and the letter confirming the couple's joint bank account are sufficient to establish that the parties have been living together openly as married persons and are recognized as such in the community. Therefore, the evidence submitted by Complainant, by itself, would be sufficient to establish a common-law marriage, but the alleged common-law wife's statements to Respondent that she is Complainant's fiancée and that she has not married him suggest that she cannot be Complainant's common-law spouse.

However, in prior RODs, representations to the employer were not conclusive in determining the existence of a common-law marriage. In ROD 81-685, the employee submitted documents to his employer on which he stated that his alleged common-law wife was "not related," a "lady friend" or a "close friend," but, despite these representations, the Trustees concluded that the weight of the evidence submitted was sufficient to establish a common-law marriage. In ROD CA-080, the employer argued that the surviving spouse had remarried after she revealed that she was living in a common-law relationship during a phone call, but the Trustees determined that no common-law marriage existed because Respondent had not submitted sufficient documentation to establish a common-law marriage.

As in the RODs discussed above, the alleged common-law wife's statements to Respondent do not conclusively determine, and do not preclude Complainant from establishing, the existence of a common-law marriage. Inasmuch as the weight of the evidence submitted is sufficient to establish that there is no living spouse in the background, the relationship is of substantial and continuous duration and the parties have been living openly as married persons and are recognized as such in the community, Complainant has established a valid common-law marriage.

Opinion of the Trustees

Pursuant to Article II(D)(1) of the Employer Benefit Plan, Respondent is required to provide health benefits to Complainant's common-law spouse.