
OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 11-0111

Trustees: Michael H. Holland, Marty D. Hudson, and Joseph R. Reschini

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 an active employee receiving health coverage from the Respondent. The Complainant and her same-sex spouse were married on November 5, 2014, in West Virginia, a state that recognizes same-sex marriages.

Complainant submitted a request to Respondent on November 14, 2014, to cover her same-sex spouse under Respondent's employer health plan. Respondent denied the request in a letter dated November 25, 2014, stating, "the rule and policy of the employer and the UMWA Health and Retirement Funds has been to define a spouse as a person of the opposite sex."

In affirming the denial, the Respondent cited ROD CA-050, which contains the following statement: "Although the term spouse is not defined in the Employer Benefit Plan, the policy of the Trustees has been to define a spouse as a person of the opposite sex."

As proof of their marriage, the couple submitted a valid marriage certificate.

Dispute

Is Respondent required to provide health benefits coverage to Complainant's same-sex spouse?

Positions of the Parties

Position of the Complainant: Same-sex marriages are legal in West Virginia and are recognized under federal law. Respondent must provide benefits to the Complainant's dependent spouse.

Position of the Respondent: The Respondent's plan is a private, self-insured plan and cannot be compelled to cover same-sex spouses.

Pertinent Provisions

Article II.D(1) of the Employer Benefit Plan states, in pertinent part:

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;

Discussion

The Employer Benefit Plan provides health benefits coverage to a spouse who is living with or being supported by an eligible Employee or Pensioner. Article II.(D)(1). The term spouse is not defined in the Employer Benefit Plan, but the Trustees held in ROD CA-050 that the term spouse in the Employer Benefit Plan did not include a domestic partner, and noted "...the policy of the Trustees has been to define a spouse as a person of the opposite sex. Therefore, under the Employee Benefit Plan, a spouse cannot be a person of the same sex".

The same-sex couple in ROD CA-050 submitted a non-legally binding certificate indicating the couple was "joined in Holy Union" at a church in a state that did not recognize same-sex marriages at the time. However, the same-sex couple in this case legally wed in a state that recognizes same-sex marriages and they submitted a legally valid marriage certificate. There is no previous ROD that decided whether the term "spouse" includes a legally married same-sex partner. Moreover, the legal landscape for same-sex marriage has changed significantly since

ROD CA-050 was decided in 2002. Currently, at least 37 states and the District of Columbia recognize same-sex marriages while no states recognized same-sex marriage when ROD CA-050 was decided.

Given the significant differences between the underlying facts in ROD CA-050 and this case, and the extensive changes in state and federal law with respect to same-sex marriages that have occurred since 2002, ROD CA-050 is not determinative of the decision in this current ROD. The Employer Benefit Plan does not define the term “spouse” and contains no language that would support the exclusion of same-sex spouses from coverage. Therefore, the term “spouse” in the Employer Benefit Plan should be interpreted to include same-sex spouses who were validly married in a state that recognized same-sex marriages at the time the marriage ceremony was performed.

Opinion of the Trustees

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