

OPINION OF TRUSTEES

In Re

Complainant: Pensioner
Respondent: Employer "A"
ROD Case No: 1 - March 14, 1980

Board of Trustees: Harrison Combs, Chairman; John J. O'Connell, Trustee; Paul R. Dean, Trustee.

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 the provision of health and other non-pension benefits for the Pensioner and his dependents by his last Employer and hereby render their opinion on the matter.

Background Facts

The Claimant was authorized a retirement pension under the 1974 Pension Plan on January 31, 1979, based on 38 1/2 years of credited service. Payments became effective October 1, 1978. Information submitted in support of his application indicated he had worked for a number of different employers in the coal industry up to August 1977. He then began classified employment with the Respondent Employer, continuing through December 1977 at which time he transferred to nonclassified employment with the Respondent and continued until September 30, 1978. Approval of Claimant's pension was based in part on a statement from the Respondent certifying that Claimant had worked as a United Mine Workers of America member from August through December 1977. At the time of approval of his pension the claimant was notified that this Respondent Employer would be responsible for providing health and life insurance coverage since it was indicated his last classified employment was with the Respondent.

The Respondent Employer refused to provide benefit coverage for the Claimant, and has alleged that he was a supervisory employee while in the Respondent's employ and did classified work for another UMWA mine.

The Claimant asserts that he performed classified work for the Respondent from August 1977 to February 12, 1978 and then worked in a non-classified job for the Respondent to September 30, 1978; also that he did not subsequently work for another signatory employer. The Claimant submitted a letter signed by two officers of the company for which the Respondent stated he worked, stating that the Claimant did not work for that company.

In view of the possible effect of Employer A's statements on the Claimant's pension status, an investigation was conducted by the Funds. The investigation confirmed that the Claimant was last employed in classified employment by the Respondent, during the period from August to December 30, 1977 and did not work in classified employment for another signatory employer after that date.

Dispute

Is the Respondent Employer responsible for providing health and life insurance coverage for the Claimant?

Pertinent Provision

- (1) Article XX Section (c) (3) of the NBCWA of 1978 which provides that "each signatory Employer shall establish 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 as well as pensioners, under the 1974 Pension Plan and Trust, whose last classified employment was with such Employer."
- (2) Article I (5) of the Employer's Benefit Plan which defines "Pensioner" as any person receiving a pension, other than a deferred vested pension based on less than 20 years of credited service, under the 1974 Pension Plan whose last classified employment was with the Employer.
- (3) Article II B of the Employer's Benefit Plan which provides that health benefits and life insurance shall be provided to any Pensioner receiving pension benefits under the 1974 Pension Plan (with certain exceptions not applicable here).

Discussion

It has been established that the Claimant is receiving pension benefits under the 1974 Pension Plan and that his last classified employment was with the Respondent Employer. The Respondent is therefore responsible for providing benefit coverage for the Claimant pursuant to the terms of the Employer's Benefit Plan established pursuant to Article XX of the NBCWA of 1978.

Opinion

The Respondent is responsible for providing health benefits and life insurance for the Claimant effective October 1, 1978, the date the Claimant began receiving pension benefits.