

October 1, 1979

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

ROD #10

This is in reference to your request for an opinion concerning the responsibility of an Employer benefit plan established pursuant to Article XX of the NBCWA of 1978 to provide health benefit coverage for the spouse of an Employee after divorce.

In the situation presented, the divorce was granted on May 4, 1978 at which time the employee's spouse was pregnant and the Employee was ordered by the Court to assume the costs of her pregnancy and childbirth. The child was born in October 1978; the Employee was eligible for coverage under the plan during the period from May to October 1978.

Under Article II C(1) of the Employer's plan, the spouse of an eligible Employee is covered for health benefits if living with or being supported by the Employee. There are no provisions, however, for continuing coverage for an Employee's former spouse after a divorce is granted and there is no basis for payment of any expenses by the Employer's plan for the divorced spouse after May 4, 1978. The fact that the Employee was under Court Order to assume the costs of the pregnancy and childbirth expenses does not qualify the divorced spouse as a dependent eligible for benefits under the Employer's Plan.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee