

June 27, 1979

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

RE: Opinion of Trustees
Resolution of Disputes
Case No. 20

Pursuant to Article IX of the UMWA 1950 Benefit Plan and Trust and under the authority of an exemption granted by the Department of Labor, the Trustees have received the question of payment of the premium for Part B of Medicare by active mine workers 65 years of age or over. Their opinion is issued in question and Answer form as follows:

Subject: HEALTH BENEFITS; Medicare, Part B premium
Reference: NBCWA of 1978, Art. XX, Employer Plans, Art. III A 9(d)

Question: Under provisions of the 1950 Benefit Plan (Art. III A(9) the 1974 Benefit Plan (Art. III A(9)(f)), and Employer Plans (Art. III A(9)(d)), established pursuant to the NBCWA of 1978, health benefits will not be paid to any beneficiary if such beneficiary is eligible for Hospital Insurance coverage (Part A) for which a premium is not required and/or Medical Insurance coverage (Part B) of Medicare unless such beneficiary is enrolled for each part of Medicare for which such beneficiary is eligible.

Are active mine workers, 65 years of age or over and employed in classified jobs for signatory Employers required to enroll in Part B of Medicare in order to remain eligible for health benefits under Employer Plans?

Answer: Yes. All persons eligible for Part B of Medicare must enroll in order to remain eligible for health benefits under the Employer's Plan, provided, however, in the case of active miners, this decision does not treat the question of whether the Employer or the beneficiary must make the monthly premium payments to Medicare. See Age Discrimination Employment Act, as amended 29 U.S.C. S 621 et seq.