

September 21, 1979

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

ROD #37

This is in reference to your recent request for an opinion with respect to an Employee's health benefit coverage under the Employer's plan under the following circumstances:

"The Employee was laid off by the Employer in July, 1979 and placed on a panel for recall; the Employee's spouse was pregnant the time of lay off and due to deliver within 60 days. Based on the number of hours worked, the Employee was eligible for continued health benefit coverage under the Employer's plan up to January 31, 1980.

"Within a few days after the lay off, the Employee accepted employment with an employer outside the coal industry. That employer's health benefit plan has a waiting period of 60 days and will therefore not provide coverage for the maternity and obstetrical expenses to be incurred by the Employer's spouse during the waiting period.

"If the Employee terminates his employment with the non coal industry employer will his health benefit eligibility resume under the signatory Employer's plan, assuming he remains unemployed and on the panel?"

Pursuant to Article III E(f) of the Employer's plan, an Employee's health benefit coverage terminates as of the date the Employee accepts other employment. Accordingly, the Employee's coverage terminated when he began working for the employer outside the coal industry. His coverage under the Employer's plan will not be resumed until he again becomes employed in a classified job for the Employer.

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee