

September 21, 1979

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

ROD #55

This will acknowledge your recent request for Trustee opinion on the question of whether Sickness & Accident Benefits count as hours worked in determining eligibility for continued coverage of benefits under your Employee's benefit plan established pursuant to Article XX of the National Bituminous Coal Wage Agreement of 1978.

Article III E(1)(a) of the Employer plan provides that laid off Employees are eligible for continued coverage for periods of 30 days, 6 months or 12 months, from last work date, based on number of hours worked in the 24 month period preceding last work date. Periods during which an Employee received Sickness & Accident Benefits do not count as hours worked for this purpose. However, as provided in Article III E(1)(b), if an Employee ceases work because of a disability his benefit coverage under the Employer plan will continue from his last work date for the greater of the period of eligibility for Sickness & Accident Benefits or the period determined by the number of hours he worked in the 24 month period prior to his last work date.

We trust this will clarify the matter.

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee