

September 21, 1979

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

ROD #56

This is in reference to your recent request for an opinion with respect to your eligibility for life insurance based upon the death of your husband.

The evidence in file shows that your husband last worked in a classified job for the Employer on February 13, 1976 at which time he became disabled. He had completed more than 20 years of credited service in the coal industry and was receiving Social Security Disability Benefits at the time of his death, March 23, 1979, at age 53. Since his death occurred after the effective date of the National Bituminous Coal Wage Agreement of 1978, your eligibility must be determined under the terms of the Employer's Benefit plan; benefits cannot be considered under the regulations of the 1974 Benefit Plan and Trust, administered by the UMWA Health and Retirement Funds.

Based on the facts stated above, your husband was eligible for health benefits as a disabled employee under Article II C(1) of the Employer's benefit plan. Article III B(1) of the plan provides that life insurance will be provided for Employees as described in Article II Sections A and C(3). Since Article III B(1) specifically identifies each Beneficiary covered for life insurance and fails to include the category describing your husband (II C(1)), life insurance benefits cannot be authorized you.

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee