

January 16, 1980

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

Re: Opinion of Trustees
Resolution of Disputes
Case No. 89

Pursuant to Article IX of the United Mine Workers of America 1950 Benefit Plan and Trust, and under the authority of an exemption granted by the United States Department of Labor, the Trustees have reviewed the facts and circumstances of this dispute concerning continuation of health benefit coverage to a disabled Employee who meets the requirements for a 1974 Plan Pension. Their opinion is issued in Question and Answer form as follows:

Subject: HEALTH BENEFITS; Continuation of health benefit coverage for disabled Employee

Reference: Article II C(2) of Employer's Benefit Plan

Question: A 60-year old Employee who meets the requirements for a pension under the 1974 Pension Plan sustained an injury while working in a classified job for the Employer; he is currently receiving Workmen's Compensation payments on a temporary total disability award based on that injury.

Does the Employee qualify for health benefits under the Employer's Plan beyond one year from date of injury?

Answer: Yes. Article II C(2) of the Employer's Benefit Plan provides that an Employee who becomes totally disabled due to a compensable disability within four years of the date he would be eligible to receive a pension under the 1974 Pension Plan is entitled to receive health benefits as long as he continues to be so disabled and during the period for which Workmen's Compensation payments are applicable.

Accordingly, the Employee will continue to be eligible for health benefits as a disabled Employee as long as he remains totally disabled and continues to receive Workmen's Compensation payments. The fact that he is currently eligible to retire and receive a pension does not disqualify him for benefits as a disabled Employee. If he later elects to retire and establish his eligibility to receive a pension under the 1974 Pension Plan, he will qualify for health benefits as a Pensioner under the Employer's Benefit Plan.