

January 27, 1981

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

ROD No. 158

This is in reference to your recent request for an advisory opinion from the Trustees of the UMWA Health and Retirement Funds concerning your eligibility for continuation of health benefit coverage under the Employer's Benefit Plan ("Employer's Plan").

In your request, you state that you are 25 years old, and that you are disabled as a result of injuries you sustained on your Employer's property on January 9, 1979. You are receiving "compensation" for your injuries. Your Employer provided health and non-pension benefits from January 9, 1979, the date you last worked, until April, 1980. It is your position that your Employer is responsible for your health benefits as long as you are disabled. From the information you submitted, however, it does not appear that you are currently eligible to receive continued health benefits under your Employer's Plan.

Article III(E)(1)(b) of the Employer's Plan provides that an Employee who ceases work because of disability is eligible, at most, for continued benefit coverage to the end of the month in which he last worked plus 12 months thereafter. Your Employer provided benefits to the end of the month in which you last worked, January, 1979, and for 14 months thereafter, until April, 1980. Under Article III(E)(1)(b), your Employer has no further responsibility to provide you with continued health benefits.

Under Article II(C)(1) of the Employer's Plan, an Employee is eligible for health benefits if he meets the following requirements: a) has completed 20 years of credited service, including the required number of years of signatory service; b) has not attained age 55; and, c) became disabled after December 6, 1974, while in classified employment with the Employer and is eligible for Social Security disability benefits. Because you are only 25 years old, and have not completed 20 years of service, you are clearly not eligible for continued benefit coverage under Article II(C)(1) of the Employer's Plan.

Finally, under Article II(B) of the Employer's Plan, an Employer must provide health and non-pension benefits to any pensioner receiving pension benefits under the UMWA 1974 Pension Plan ("1974 Pension Plan"). You are not currently receiving a pension and, therefore, are not eligible for continued benefits under Article II(B). If, however, you have applied for and have been awarded Social Security Disability Insurance benefits based on your mine accident, you may be eligible for a 1974 Pension Plan disability pension. In that event, your employer would be responsible for continuation of health coverage, under Article II(B), from the effective date of

Opinion of the Trustees

ROD Case No. 158

Page 2

that pension. Should you need additional information regarding application for a disability pension, you should contact the UMWA Health & Retirement Funds Field Office in your area.

For the reasons above you are not currently eligible to receive continued health benefits.

Accordingly, your Employer is not responsible for continuation of health coverage beyond April, 1980. Should you receive a UMWA 1974 disability pension, however you would regain your eligibility for health benefits, under your Employer's Plan.

---

Harrison Combs, Chairman

---

John J. O'Connell, Trustee

---

Paul R. Dean, Trustee