
OPINION OF TRUSTEES

In Re

Complainant: Disabled Employee
Respondent: Employer
ROD Case No: 166, April 27, 1982

Board of Trustees: Harrison Combs, Chairman; John J. O'Connell, Trustee; Paul R. Dean, Trustee.

Pursuant to Article IX of the United Mine Workers of America ("UMWA") 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 the provision of health coverage for a disabled individual by the Employer under the terms of the Employer's Benefit plan and hereby render their opinion on the matter.

Background Facts

The Complainant, whose birthdate is June 12, 1929, worked for the Employer in a classified job from July 15, 1970, to December 12, 1971. In December 1978, the mine where the Complainant worked was closed. Although the Complainant did not return to work, he was not officially laid off until April 10, 1979. At that time, he had completed in excess of 20 years of credited service, including the required number of years of signatory service for pension eligibility.

The Complainant had worked over 2,000 hours for the Employer during the 24 month period immediately prior to his last day worked. Therefore, under Article III. E 1(a) of the Employer's plan, he was eligible for continuation of health and other non-pension benefits for the balance of December 1978, through December 31, 1979.

On December 20, 1950, the Complainant was involved in a mine accident which required the amputation of his right foot two inches above his ankle. He was awarded a 45% permanent partial disability award from the State Workmen's Compensation Funds. He later suffered two compensable injuries in 1971 and 1972 while working for the Employer. He was granted a 10% permanent partial disability award for these injuries.

After he ceased work the Complainant applied for Social Security Disability Insurance ("SSDI") benefits. His application was approved, effective May 3, 1979.

The Complainant also submitted an application for health coverage for disabled miners to the UMWA Health and Retirement Funds. On June 24, 1980, he was advised that he satisfies the UMWA 1974 pension plan requirements for a pension, except for age, and that he should contact the Employer as he may be eligible for health coverage under the terms of the Employer's plan.

The Employer refuses to provide health coverage for the Complainant.

Dispute

Is the Employer responsible for the provision of health coverage under Article II. C(1) of the Employer's plan for the Complainant, who became disabled during his period of lay-off?

Position of the Parties

Position of the Complainant: The Complainant states that he has met all the requirements of Article II. C(1) and is, therefore, entitled to health coverage from the Employer.

Position of the Employer: The Complainant does not meet the requirements under Article II. Section C(1) or (2) of the Employer's Plan for the following reasons: (1) he did not become disabled while employed by the Employer; (2) he did not draw any S & A benefits and was not drawing Workmen's Compensation benefits prior to his lay-off in April, 1979; (3) he was 49 at the time of lay-off. Therefore, he is not eligible for health coverage.

Pertinent Provisions

Article II. C(1) and (2) of the Employer's Plan which provides, in pertinent part:

C. Disabled Employees

In addition to disabled Pensioners who are receiving pension benefits and are therefore entitled to receive health benefits under paragraph B of this Article II, health benefits under Article III shall be provided to any Employee who:

- (1) (a) Has completed 20 years of credited service, including the required number of years of signatory service pursuant to Article IV C (6) of the 1974 Pension Plan or any corresponding paragraph of any successor thereto,
- (b) has not attained age 55, and
- (c) became disabled after December 6, 1974, while in classified employment with the Employer, and
- (d) is eligible for Social Security Disability Insurance Benefits under Title II of the Social Security Act or its successor.

- (2) 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 or any successor thereto, as long as he continued to be so disabled and during the period for which Workmen's Compensation payments (Workmen's Compensation does not include Federal Black Lung Benefits) are applicable....

Article III. E(1)(a) of the Employer's Benefit plan which provides:

E. General Provisions

(1) Continuation of Coverage

(a) Layoff

If an Employee ceases work because of layoff, continuation of health, vision care, life, and accidental death and dismemberment insurance coverage is as follows:

Number of Hours Worked for the Employer in the 24 Calendar Month period prior to the <u>Date Last Worked</u>	Period of Coverage Continuation from <u>the Date Last Worked</u>
2,000 or more hours	Balance of month plus 12 months
500 or more but less plus 6 months	Balance of month than 2,000 hours
Less than 500 hours	30 days

Discussion

Under Article II. C(1) of the Employer's Plan, an Employee is eligible for health coverage 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; (c) became disabled after December 6, 1974, while in classified employment with the Employer; and (d) is eligible for Social Security Disability Insurance Benefits. The Complainant clearly meets the

requirements of (a), (b), and (d). At issue is whether he became disabled after December 6, 1974, while in classified employment with the Employer.

Opinion of the Trustees

ROD Case No. 166

Page 4

The information in the file indicates that the Complainant satisfies this requirement. The Complainant was eligible for continued health benefits from December 13, 1978, through December 31, 1979. Therefore, on May 3, 1979, the date listed on his SSDI award as the date on which his total disability began, he was eligible for continued coverage. Moreover, as of that date, the Complainant would be considered an Employee in classified employment. Consequently, he satisfies the requirement of Article II. C(1)(c) of the Employer's Plan.

Opinion of the Trustees

The Trustees are of the opinion that the Employer is responsible for providing health coverage for the Employee and his dependents under Article II. C(1) of the Employer's Plan.