

Opinion of Trustees
Resolution of Dispute
Case No. 217
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September 4, 1981

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

Re: Resolution of Dispute
Case No. 217

This is in reference to your request for an opinion from the Trustees of the UMWA Health and Retirement Funds concerning your eligibility under the Employer's Plan for an Accidental Death benefit, health benefit coverage beyond the five year period to which you are entitled, and a Surviving Spouse benefit, based upon the death of your husband.

The evidence in the file indicates that your husband, born May 24, 1925, died on March 3, 1980, as a result of a heart attack which he suffered climbing a mine slope while employed in a classified position with the Employer. The Employer provided you with a \$12,000.00 Life Insurance benefit. You are currently receiving Workers' Compensation benefits based on your husband's death.

Under Article III B (1) (b) of the Employer's Plan, accidental death and dismemberment benefits, in the amount of \$24,000.00, will be paid to the employee's named beneficiary upon the employee's death due solely to violent, external and accidental means. However, Article III B (1) (d) further clarifies that accidental death benefits are not payable if death was caused in whole or in part by disease, bodily or mental infirmity, ptomaine or bacterial infection, hernia, suicide, intentional self-inflicted injury, insurrection, or acts of war. Since your husband's death was due to a heart attack, which is considered a bodily infirmity, you are not eligible for accidental death benefits.

Secondly, under Article II E (1) and (2) of the Employer's Plan, health benefits are provided only to an unmarried surviving spouse of an employee who died as a result of a mine accident occurring on or after March 27, 1978, while the employee was working in a classified job for the employer. Here, again, because your husband's death was the result of a heart attack, and not of a mine accident, health benefit coverage cannot be provided to you beyond the 60 month period which started the month following your husband's last day of work. If you should remarry or become regularly employed and earn at a rate equivalent to, or greater than, \$200 per month for the period prior to June 6, 1981, or \$500 per month thereafter, your health coverage would be discontinued.

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Lastly, you inquire about your eligibility for a Surviving spouse benefit under the 1974 Pension Plan, since your husband was a working miner and would have retired on his 55th birthday. It is suggested that you file a separate application for that benefit with the Wheeling Field Service Office of the Funds.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee