

February 23, 1981

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 219

This is in response to your request for an opinion by the Trustees concerning the responsibility of a solvent Employer to provide health and other non-pension benefits to its laid-off Employees under the Employer's benefit plan.

Under Article II, Section J of the UMWA 1974 Benefit Plan and Trust, as amended, benefits are provide to a now-retired miner on lay-off status only if the Employer by which he is laid off is "no longer in business and, because of financial inability, has failed to provide such benefits " consequently, even if an Employer has ceased all mining activities, benefits are not provided under the 1974 Benefit Plan to Employees laid-off by that Employer where, as stipulated here, that Employer is financially able to provide such benefits itself. It follows that such an Employer is obligated to provide such benefits to its laid-off Employees for the period prescribed by Article III, Section E (1) (a) of the Employer's benefit plan, as limited by Article III, Sections E (1) (f) and E (2) of that plan and by Article XX(c) of the National Bituminous coal Wage Agreement of 1978.

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee