

July 28, 1981

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

Re: Resolution of Dispute
Case No. 223

This is in reference to your request for an advisory opinion from the Trustees of the UMWA Health and Retirement Funds concerning your eligibility for life insurance benefits under the Employer's Plan.

Pursuant to Article II A and B and Article III B of the Employer's Plan, life insurance benefits may be provided only for active Employees and pensioners. Active Employees include only Employees who are (1) actively at work for the Employer; or (2) on lay-off or disabled from the Employer. However, laid-off and disabled Employees are considered active Employees only while they are eligible for continuation of coverage for health and other non-pension benefits. Individuals are considered pensioners only if they are actually receiving a pension.

The evidence in our files shows that your husband last worked for the Employer on May 18, 1977, when he became disabled as the result of a heart attack. He received Sickness and Accident benefits from April 19, 1977 until August 2, 1977. Based on the fact that he had worked more than 2,000 hours during the 24 month period preceding his last work date, he was eligible for continued benefit coverage until May 31, 1978. He did not meet the requirements for extended coverage beyond that date as a disabled Employee. Accordingly, at the time of his death, October, 1979, he was no longer eligible for continuation of coverage and was not receiving a pension. Therefore, under Article II and III of the Employer's Plan, he would not be considered either an active Employee or a pensioner. Consequently, life insurance benefits cannot be provided to you.

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee