

October 27, 1981

Re: Opinion of Trustees
Resolution of Disputes
ROD No. 272

Pursuant to Article IX of the UMWA 1950 Benefit Plan and Trust, and under the authority of an exemption granted by the United States Department of Labor, the Trustees have received a question concerning the provision of health and other non-pension benefits beyond the balance of the month plus 12 months from the date last worked for an injured Employee under the Employer's Benefit Plan. Their opinion is issued in Question and Answer form as follows:

Subject: HEALTH BENEFITS; Inactive Employees, Continuation of Coverage

Reference: Employer's Benefit Plan, Article III, E (1) (d)

Question: An Employee left work eight months prior to the termination of the National Bituminous Coal Wage Agreement to undergo corrective surgery for an injury he sustained on the job. He paid Advanced Insurance Premiums for two months during the work stoppage. The Employer terminated provision of benefits for the Employee at the expiration of the period covering the balance of the month plus 12 months from the date last worked.

Is the Employer required to provide the Employee with two months of additional coverage to compensate for the two months for which the Employee paid the premiums?

Answer: No. Article III E (1) (d) of the Employer's Benefit Plan provides:

"In no event shall any combination of the provisions (a), (b), or (c) above result in continuation of coverage beyond the balance of the month plus 12 months from the date last worked."

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee