

May 24, 1982

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

Re: Opinion of Trustees  
Resolution of Dispute  
Case No. 289

Pursuant to Article IX of the United Mine Workers of America 1950 Benefit Plan and Trust, and under the authority of an exemption granted by the United States Department of Labor, the Trustees have reviewed your Request for Advisory Opinion concerning payment of accidental death benefits.

According to the information submitted, the Employee was killed in a motorcycle accident on May 4, 1981, more than thirty days after the beginning of the strike following the expiration of the 1978 Coal Wage Agreement. The Employer had advanced insurance premiums for the Employee for the first thirty days of the strike, but the Employee chose not to pay premiums for the remainder of the strike period.

You have asked whether the Employer would be required to pay the accidental death benefit because of the conversion privilege set forth in Article III. E. (3) of the Employer's Plan. Under that provision if an Employee's life insurance terminates, the Employee may convert to an individual policy upon application to the insurance carrier within 31 days of such termination. Moreover, if the Employee dies within the 31-day conversion period, his beneficiaries will receive the life insurance benefit, even if the Employee had not applied for an individual policy. Article III. E. (3) specifies, however, that the individual policy may not include disability benefits in the event of accidental death. Thus, Article III. E. (3) does not extend the conversion privilege to accidental death insurance and the Employer would not be required to pay the accidental death benefits by virtue of this provision.

And, because the Employee had not paid premiums for coverage after the first 30 days of the strike, his coverage had terminated at the time of his death. Therefore, the Employer is not required to pay an accidental death benefit to his surviving beneficiary.

Sincerely,

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Harrison Combs, Chairman

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John J. O'Connell, Trustee

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Paul R. Dean, Trustee