

Opinion of Trustees
Resolution of Dispute
Case No. 81-77
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June 28, 1984

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-77

Pursuant to Article IX of the United Mine workers of America ("UMWA") 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 benefits coverage for three laid off Employees.

The Complainants were laid off by the Respondent on January 25, 1982, and were provided benefits coverage under the Respondent's Employer's Benefit Plan through January 31, 1982. At that time, the Respondent informed them that it could not continue providing their benefits coverage, because the coal company for whom it hauled coal had filed for bankruptcy and had ceased paying the Respondent for hauling coal.

Under Article III D. (1) (a) of its Employer's Benefit Plan, the Respondent, a signatory Employer, is required to provide continued benefits coverage for its laid off Employees based on their hours worked for the Employer during the 24 calendar month period prior to their date last worked. Based on the Trustees' records of hours reported by the Respondent and on W-2 forms submitted by one of the Complainants, one of the Complainants would be eligible for continued benefits coverage under Article III D. (1) (a) for the balance of January 1982 through July 31, 1982; the other two Complainants, however, would only be eligible for 30 days of continued benefits coverage from January 25, 1982, unless they can establish that they worked more hours than were reported by the Respondent. Based on this information, the Trustees are of the opinion that the Respondent, as a signatory to the National Bituminous Coal Wage Agreement of 1981, is obligated to provide the Complainants with any additional benefits coverage to which they are entitled.

The Trustees have determined, however, that the Respondent satisfies the "no longer in business" definition of Article II.E.4. of the UMWA 1974 Benefit Plan ("1974 Plan") as of January 25, 1982. Therefore, effective February 1, 1982, the 1974 Plan will provide the Complainants with any additional benefits coverage for which they are eligible based on their hours worked for the Respondent.

Very truly yours,

Harrison Combs, Chairman

John J. O'Connell, Trustee

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Paul R. Dean, Trustee