

September 27, 1983

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

Re: ROD No. 81-144  
Opinion of Trustees

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 the facts and circumstances of this dispute concerning the use of time off from work, due to a compensable injury, as hours worked for the purposes of extending continuation of coverage for an Employee who was off from work due to a compensable injury, from May 10, 1980 to October 1, 1981, and was laid-off on October 4, 1982 with more than 500 but less than 2,000 hours worked for the Employer during the 24-month period Immediately prior to lay-off.

Article III. D. (1) (a) of the Employer's Benefit Plan provides that laid-off Employees are eligible for continuation of coverage for periods of 30 days, 6 months, or 12 months, from the date last worked, based on the number of hours worked for the Employer during the 24-month period immediately prior to the last date worked.

In Q&A P-16 (2), attached hereto, the Trustees decided that periods of time during which an Employee received sickness and accident benefits are not "hours worked" for the purpose of extending the Employee's eligibility for Funds' health benefits. Q&A P-16 (2) interprets a schedule of benefits adopted pursuant to the UMWA 1950 and 1974 Benefit Plans that is identical to Article III. D. (1) (a) of the Employer's Benefit Plans. Accordingly, sickness and accident benefits may not be counted as hours worked for purposes of the Employer's Benefit Plan.

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

Enclosure