

April 19, 1984

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

Re: Opinion of Trustees  
Resolution of Dispute  
Case No. 81-186

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 Resolution of Dispute concerning the provision of health benefits coverage for your grandchildren under the terms of your Employer's Benefit Plan.

As a prerequisite to determining whether your grandchildren are eligible for health benefits coverage under Article II D. (4) of the Plan, it must first be established that you are entitled to benefits coverage under the Plan. According to Funds' records, your application for a pension under the UMWA 1974 Pension Plan was denied. Therefore, you would not satisfy the definition of Pensioner under Article I (5) of the Employer's Benefit Plan and are not entitled to benefits coverage as a Pensioner, as set forth in Article II B. of the Plan. Furthermore, during the period of your active employment with the Employer, you were not employed in a classified position. You were, therefore, not entitled to benefits coverage under Article II A of the Plan as an Active Employee.

Inasmuch as you are not entitled to benefits coverage under the Employer's Benefit Plan, and such entitlement is a prerequisite to your grandchildren's entitlement to health benefits coverage under the Plan, the Employer is not responsible for the provision of health benefits coverage for your grandchildren.

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