

April 19, 1984

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

Re: Opinion of Trustees  
Resolution of Dispute  
Case No. 81-328

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 Resolution of Dispute concerning the provision of health benefits coverage for your in-laws under the Employer's Benefit Plan.

According to the information provided, you and your in-laws have resided in the same household for over two (2) years and their only source of income their combined monthly Social Security benefits of \$495.00. You have stated that they spend their income on automobile payments, medical bills not covered by medicare, gasoline, and personal clothing. You are responsible for providing all other support for the household. Evidence submitted, including household receipts and estimates of Expenses for the previous twelve (12) months, indicates that you provide considerably less than fifty (50) percent of your in-laws support.

Article II D. (3) of the Employee's Benefit Plan stipulates that health benefits coverage shall be provided to a parent of an eligible Employee or his spouse if the parent has been dependent on and residing with the eligible Employee for at least one (1) year. Question and Answer H-2 (81), attached hereto, states, in pertinent part, that a parent is considered dependent on an eligible Employee if the Employee provides over fifty (50) percent of the parent's support. Support includes, but is not limited to, "the fair rental value of lodging, reasonable cost of board, clothing, miscellaneous household services and education expenditures." Although you have stated that you provide more than fifty (50) percent of your in-laws' support, the documentation submitted indicates that you provide less than fifty (50) percent of their support.

The Trustees conclude that your Employer is not responsible for the provision of health benefits coverage for your in-laws, as you do not furnish more than fifty (50) percent of their support, as required by 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