

October 12, 1983

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-335

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 a question concerning an Employer's authority to require the participant's marital status and proof of dependency for the participant's claimed dependents for benefits coverage under the Employer's Benefit Plan.

Article III.D of the Employer's Benefit Plan provides that health benefits coverage under Article II shall be provided to an Employee's spouse and certain dependents of the Employee.

Although explicit authority to require proof of dependency and marital status is not provided in the Plan or the National Bituminous Coal Wage Agreement of 1981, the Trustees conclude that it is reasonable for the Employer to require Employees to furnish proof of date of birth, marital status and dependency. Therefore, before benefits coverage is approved for a spouse or a dependent, an Employer may require information upon which it can make a determination of eligibility.

As to the specific information required by this Employer in its letter to its Employees, the Employer requests:

1. A birth certificate to establish date of birth for the Employee and each dependent.
2. If married, a copy of the marriage certificate to establish marital status.
3. If divorced and required to provide medical coverage for children not living with the Employee, a copy of the divorce decree requiring said coverage.
4. If claiming dependent stepchildren and/or grandchildren, a copy of the divorce decree of the child's natural parents to establish dependency.

The Employer has informed the Trustees that where the specified documentation is not available, the Employer will accept other evidence. As a example, other evidence of support or dependency is accepted where a divorce decree does not exist or is silent on the issue of health

benefits coverage. This, of course, is a desirable approach in the view of the Trustees, because it is quite often difficult in many areas to produce information in exactly the form requested.

The Trustees would expect that, in general, the Employer would obtain such information at the time an Employee is hired or when an Employee wishes to add a dependent for coverage. The Trustees conclude that the Employer, may, however, consistent with its fiduciary duties as Plan Administrator, require reasonable available forms of documentation at reasonable intervals to update or verify the information. Additionally, the Employer should allow an adequate period of time for the Employee to submit the required documentation.

The Trustees believe that it is in the interest of the beneficiaries, the UMWA and Employers that the data be accurate. At the same time, the Trustees suggest that Employers should communicate to the representatives of the union, as well as the beneficiaries, the purpose of the inquiries to the beneficiaries, so as to avoid misunderstandings, and the Trustees express their hope that there would be cooperation in informing the beneficiaries of the purpose and desirability of such updating of the information.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee