

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

Re: Opinion of Trustees  
Resolution of Dispute  
Case No. 81-349

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 benefits coverage.

Because the Employer has not responded to Funds' correspondence requesting its position on the matter, the Trustees' opinion is based on evidence at hand.

UMWA Health and Retirement Funds' records indicate that you claim that you incurred a back injury in October 1978 while performing classified work for the Employer. You returned to your job after being absent from work for one week and continued to work through December 31, 1979 when you ceased work. You received Social Security Disability Benefits from February 1, 1980, through October 1, 1983. Funds' records show that your Application for Pension was approved effective May 1, 1982, based on more than 20 years of credited service. The Employer has not provided benefits coverage for you and your eligible dependents after December 31, 1979.

Under Article III D (1) (a) and (b) of the Employer's Benefit Plan, if an Employee ceases work because of disability, the Employee will be eligible for continued benefits coverage while disabled for the greater of (i) the period of eligibility for Sickness and Accident benefits or (ii) the period based on the number of hours worked during the 24 consecutive calendar month period immediately prior to his date last worked. Funds' records show that you had worked more than 2,000 hours for the Employer during the 24 month period immediately prior to your date last worked. You were, therefore, eligible for continuation of coverage from January 1, 1980, through December 31, 1980.

Under Article II C of the Employer's Benefit Plan, health benefits under Article III shall be provided to any Employee who (a) has completed 20 years of credited service, including the required number of years of signatory service pursuant to Article IV C (6) of the 1974 Pension Plan, (b) has not attained age 55, (c) became disabled after December 6, 1974, while in classified employment with the Employer, and (d) is eligible for Social Security Disability Insurance Benefits under Title II of the Social Security Act. Funds' records show that you met these provisions effective February 1, 1980, with your receipt of Social Security Disability benefits.

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Such eligibility for health benefits coverage continued through May 1, 1982, when you became eligible for benefits coverage as a Funds' Pensioner.

Under Article II B of the Employer's Benefit Plan, the Employer is required to provide benefits coverage to UMWA 1974 Plan Pensioners whose last classified signatory employment was with the Employer. Because your last classified signatory employment was with the Employer, the Employer is responsible for providing benefits coverage for you and your eligible dependents.

The Trustees have separately determined that the Employer does not satisfy the "no longer in business" definition of Article II E 4 of the UMWA 1974 Benefit Plan. Accordingly, it is the opinion of the Trustees that your Employer is responsible for the provision of benefits coverage for you and your eligible dependents commencing January 1, 1980, and continuing while you meet the provisions of Article II B 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