

May 2, 1984

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-420

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 the facts and circumstances of this dispute concerning the provision of benefits coverage under the terms of the Employer's Benefit Plan.

You have stated that you worked for the Employer in a classified position from February through December 1982, at which time you were laid off and your Employer ceased operations. You have contended that your Employer has denied payment for medical services rendered to your dependents in November 1982 and that it has refused to continue your coverage after your date of lay-off. The Employer has not furnished its position in this dispute. Although Funds' staff has requested that both parties to this dispute furnish additional information for the Trustees' consideration, neither party has furnished the requested information. The Trustees, therefore, have decided this case based on the available information.

According to Funds' records, your Employer reported classified hours for you during the period January through October 1982. During that period of time, you worked more than 500, but less than 2,000, hours for the Employer. As you have failed to furnish evidence that you worked for the Employer after October 31, 1982, we must conclude that you last worked in a classified position for the Employer on October 31, 1982. As such, under the provisions of Article II A. of the Employer's Benefit Plan, you are entitled to benefits coverage as an active Employee through October 31, 1982.

Article III D. (1)(a) entitles you to benefits coverage, as a laid-off Employee, for the balance of the month in which you were laid off plus six (6) months. You are therefore entitled to benefits coverage, as a laid-off employee, through April 30, 1983. As you were informed by letter dated April 12, 1984, the Trustees have determined that your Employer satisfies the no longer in business definition of Article III E. 4. of the UMWA 1974 Benefit Plan ("1974 Plan") as of December 20, 1982.

Therefore, you and your dependents are eligible for benefits coverage from the 1974 Benefit Plan for the period December 21, 1982, through April 30, 1983. However, your Employer is responsible for the provision of benefits coverage for you and your dependents through December 20, 1982.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee