

July 30, 1984

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

Re: Opinion of Trustees  
Resolution of Dispute  
Case No. 81-433

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 under the Employer's Benefit Plan for dental and oral surgical services rendered to your son.

In providing its position to the Trustees, your Employer has alleged (1) that the services rendered were dental, not medical, in nature and cannot be covered under the Employer's Benefit Plan and, furthermore, (2) that your son is not eligible for health benefits coverage under the Dental Plan as he does not reside in your household. Under the exemption discussed above, the Trustees may not address the issue of whether your son is eligible for coverage under the Dental Plan. They may, however, address the issue of whether the services rendered are covered under the Employer's Benefit Plan, if it is first determined that your son is eligible for health benefits coverage under that Plan. Once his entitlement to coverage is established, then the issue of coverage for the services rendered may be addressed.

According to the information provided, your 17-year old son is employed part-time. He resides with his mother in a separate household. Evidence submitted includes household receipts and estimates of expenses for the period May 1, 1983 through April 30, 1984, a statement of your son's earnings for the period May 1, 1983 through April 30, 1984, and a statement concerning your monthly support payments.

Article II D. (2) of the Employer's Benefit Plan stipulates that health benefits coverage shall be provided to unmarried dependent children of an eligible Employee who have not attained age 22. Question and Answer H-2 (81), attached hereto, states, in pertinent part, that a child is considered dependent on an eligible Employee if the Employee provides over fifty (50) percent of the child'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." According to the evidence submitted, you furnish forty-three (43) percent of your son's support, which does not satisfy the requirement of dependency. Since your son is not eligible for coverage under the Plan, it is not necessary to address the issue of payment for the specific services rendered.

Opinion of Trustees  
Resolution of Dispute  
Case No. 81-433  
Page 2

The Trustees conclude that your Employer is not responsible for the provision of health benefits coverage for your son, as you do not furnish more than fifty (50) percent of his support, as required by the Employer's Benefit Plan.

Sincerely,

---

Harrison Combs, Chairman

---

John J. O'Connell, Trustee

---

Paul R. Dean, Trustee