

March 28, 1984

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-434

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 regarding the provision of health benefits coverage for a Pensioner under the Employer's Benefit Plan.

According to the information provided to the Trustees, the Pensioner worked for you during the period November 9, 1981, through October 8, 1982, at which time he was laid off. He subsequently filed for a pension under the UMWA 1974 Pension Plan. His application was approved effective November 1982. You have refused to provide the Pensioner with health benefits coverage, on the basis that he does not meet the requirements for coverage as set forth in Article II B; (3) of the Employer's Benefit Plan. It is your position that the Pensioner has been awarded pension benefits and he has not been previously covered as a Pensioner under the Plan. He was, however, employed by you after June 7, 1981 but only had eleven (11) months of classified service credited with you and, as such, does not meet the requirement of three (3) or more years of service with the Employer, as set forth in Article II B. (3)(c) of the Plan.

Article II B. (3) of the Plan pertains only to those Pensioners who subsequently return to work in the coal industry after having retired under the 1974 Pension Plan and has no application here. Article II B. (1) governs in this case, as it pertains to Pensioners who are not reemployed in the industry subsequent to their date of retirement and June 7, 1981. As the Pensioner in this case has not returned to work in the industry since his retirement and continues to be eligible for a pension under the 1974 Plan, the Employer is responsible for the provision of health benefits coverage for the Pensioner and his dependents effective November 1982.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Opinion of Trustees
Resolution of Dispute
Case No. 81-434
Page 2

Paul R. Dean, Trustee