

OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 81-435 - July 30, 1984

Board of Trustees: Harrison Combs, Chairman; John J. O'Connell, Trustee; Paul R. Dean, Trustee.

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 health benefits coverage for a disabled Employee by the Employer under the terms of the Employer's Benefit Plan. They hereby render their opinion on the matter.

Background Facts

The Complainant, whose date of birth is March 21, 1931, had worked for the Respondent for more than twenty (20) years. He was laid off on May 31, 1982. By order of the Commissioner of the Workers' Compensation Fund, dated November 29, 1983, the Complainant was awarded temporary total disability benefits effective June 19, 1983. The benefits were suspended February 28, 1984. On April 2, 1984, the Complainant was awarded Social Security Disability benefits, effective May 11, 1982.

The Respondent provided the Complainant with benefits coverage, as a laid-off Employee, from May 11, 1982, through August 1, 1983, based on his hours worked. The Respondent states that it erred in providing the Complainant with benefits coverage beyond May 31, 1983, but has not asked him to reimburse any expenditures made during the period June 1 through August 1, 1983. The Respondent contends that the Complainant is not entitled to any further benefits coverage as he is not totally disabled and, furthermore, any disability he may suffer is not work-related. It has requested the Social Security Administration to reconsider its determination.

Dispute

Is the Respondent responsible to provide the Complainant with health benefits coverage as a disabled Employee?

Positions of the Parties

Position of the Complainant: The Complainant is totally disabled and eligible for continued benefits coverage under Article II C. of the Plan.

Position of the Respondent: The Complainant is not entitled to benefits coverage under Article II C. of the Plan as he is not totally disabled and, furthermore, any disability which he might have is not work-related.

Pertinent Provisions

Article I (1), (2) and (4) of the 3981 Employer's Benefit Plan provide:

Article I - Definitions

The following terms shall have the meanings herein set forth:

- (1) "Employer" means (coal company).
- (2) "Wage Agreement" means the National Bituminous Coal Wage Agreement of 1978, as amended from time to time and any successor agreement....
- (4) "Employee" shall mean a person working in a classified job for the Employer, eligible to receive benefits hereunder.

Article II C. (1) of the 1981 Employer's Benefit Plan provides:

Article II - Eligibility

C. Disabled Employees

In addition to disabled Pensioners who are receiving pension benefits and are therefore entitled to receive health benefits under paragraph B of this Article II, health benefits under Article III shall also be provided to any Employee who:

- (1) (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 or any corresponding paragraph of any successor thereto, and
 - (b) has not attained age 55, and
 - (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 or its successor.

Discussion

Article II C. (1) of the 1981 Employer's Benefit Plan provides that, for an individual to qualify for health benefits coverage, he must have completed twenty (20) years of credited service, not attained age 55, become disabled after December 6, 1974, while in classified employment with the Employer, and be entitled to Social Security Disability Insurance ("SSDI") Benefits.

The Complainant's date last worked was May 11, 1982. Prior to that date, he had more than twenty (20) years of signatory classified employment with the Respondent. As his date of birth is March 21, 1931, he had not attained age fifty-five (55). According to the determination of the Social Security Administration, the Complainant became totally disabled on May 11, 1982. He is currently receiving SSDI benefits and will continue to do so indefinitely. He therefore satisfies the requirements for health benefits coverage under Article II C. (1) of the Plan. Accordingly, the Respondent is required to provide health benefits coverage for the Complainant.

Opinion of the Trustees

The Respondent is responsible for the provision of health benefits coverage for the Complainant after May 11, 1982, and continuing for as long as he meets the eligibility requirements of Article II C.