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## OPINION OF TRUSTEES

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### In Re

Complainant: Employee  
Respondent: Employer  
ROD Case No: 81-439 - April 29, 1986

Board of Trustees: Joseph P. Connors, Sr., Chairman; Paul R. Dean, Trustee; William B. Jordan, Trustee; William Miller, Trustee; Donald E. Pierce, Jr., Trustee.

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 this Request for Resolution of Dispute concerning eligibility for health benefits coverage for a surviving spouse under the terms of the Employer Benefit Plan.

### Background Facts

Complainant is the surviving spouse of an Employee who died as the result of a mine accident on January 12, 1981 while performing classified work for his Employer, the Respondent in this case. The Respondent provided health benefits coverage for the Complainant and her dependent children through July 21, 1983.

The Employer claims that it ceased operating on or about April 15, 1983 and contends that it has no obligation to continue to provide health benefits under the National Bituminous Coal Wage Agreement of 1981. Funds' staff conducted an investigation of Respondent to determine whether it met the "no longer in business" criteria contained in the UMWA 1974 Benefit Plan and Trust and concluded that, because Respondent continued to operate a signatory mine in another state, it did not meet the no longer in business criteria. The Respondent claims that although the other signatory company has the same name, it is actually a separate company. This contention was rejected in connection with the no longer in business investigation.

### Dispute

Is the Respondent responsible for the provision of additional health benefits its to the Complainant and her dependent children?

### Positions of Parties

Complainant: Respondent is responsible for health benefits coverage until death or remarriage.

Respondent: Respondent ceased operations in April 1983 and has no obligation to provide health benefits to Complainant after that time.

Pertinent Provisions

Article II.E.(1) of the 1978 and 1981 Employer Benefit Plans provides:

E. Surviving Spouse and Dependents of Deceased Employees or Pensioners

Health benefits under Article III shall be provided to (i) any unmarried surviving spouse (who was living with or being supported by the Employee or Pensioner immediately prior to the Employee's or Pensioner's death) and (ii) such spouse's unmarried surviving dependent children as defined in subparagraphs (2) and (5) of paragraph D, of an Employee or Pensioner who died:

- (1) As a result of a mine accident occurring on or after the effective date of the Plan while the Employee was working in a classified job for the Employer;

Article II.E.(1) of the UMWA 1974 Benefit Plan and Trust, effective December 7, 1974, provides:

E. Surviving Spouse and Dependents of Deceased Miners

Health benefits under Article III shall be provided to (1) any unmarried surviving spouse and (2) her unmarried surviving dependent children as defined in subparagraphs (2) and (5) of paragraph D, of a miner who died:

- (1) As a result of a mine accident occurring on or after the effective date while the miner was working in a classified job for an Employer;

Article II.E.(1) of the UMWA 1974 Benefit Plan and Trust, effective March 27, 1978, provides:

E. Surviving Spouse and Dependents of Deceased Employees or Pensioners

Health benefits under Article III shall be provided to (i) any unmarried surviving spouse and (ii) such spouse's unmarried surviving dependent children as defined

in subparagraphs (2) and (5) of paragraph D, of an Employee or Pensioner whose last classified employment was with a Participating Employer and who died:

- (1) As a result of a mine accident occurring on or after December 6, 1974, while the Employee was working in a classified job for such an Employer;

### Discussion

The UMWA 1974 Benefit Plan and Trust, as amended March 27, 1978, provides health benefits until remarriage for the surviving spouse of a miner who died as the result of a mine accident that occurred on or after December 6, 1974, the effective date of the first 1974 Benefit Plan and Trust. Similarly, the 1978 Employer Benefit Plan provides benefits for surviving spouses of miners who died on or after the effective date of that Plan, March 27, 1978. The 1981 Employer Benefit Plan, however, also refers to mine accidents "occurring on or after the effective date of the Plan." The effective date of the 1981 Employer Plan is June 7, 1981, the effective date of the 1981 Wage Agreement.

Within the particular fact pattern presented here, the reference in Article II.E.(1) of the 1981 Employer Benefit Plan to the effective date of the Plan" must be construed to mean March 27, 1978, the effective date of the first Employer Plan. This is consistent with the parallel provision in the 1974 Benefit Plan, and appears to reflect the intent of the parties with respect to the surviving spouses of mine accident victims, a group that historically has been accorded special attention. To construe the provision otherwise would produce the anomalous result that the surviving spouse of a miner killed in an accident that occurred in 1980, for example, would cease to be entitled to benefits under the 1981 Employer Plan.

### Opinion of the Trustees

The Trustees conclude that the Respondent is responsible for the provision of health benefits to the Complainant until her remarriage and to her dependent children under the terms of the Employer Benefit Plans.