

May 2, 1984

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

Re: Resolution of Dispute
Case No. 81-442

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 the facts and circumstances of this dispute concerning your eligibility for life insurance and health benefits coverage under the Employer's Benefit Plan.

The evidence submitted indicates that your husband last worked in a classified job for the Employer on December 13, 1981, at which time he became disabled. He had completed more than twenty (20) years of credited service in the coal industry and was receiving Social Security Disability Insurance benefits at the time of his death, September 30, 1983, at age 53.

Under Article III B. (1) of the Employer's Benefit Plan, life insurance benefits are not provided for disabled employees unless their death occurs within their period of eligibility for Sickness and Accident ("S&A") benefits. Under Article XI of the National Bituminous Coal Wage Agreement of 1981, the maximum period of eligibility for S&A benefits is 52 weeks from the first day of disability. Based on the facts stated above, your husband's death occurred more than twelve months after his last employment, precluding his eligibility for S&A benefits at the time of his death. Therefore, you are not eligible for a life insurance benefit under the Employer's Benefit Plan.

In addition, Article II E. (3) provides that health benefits coverage shall be provided for the Surviving Spouse and dependents of deceased Employees who were eligible to receive health benefits coverage pursuant to paragraph C of that Article II, provided the Surviving Spouse is eligible to receive life insurance benefits. Because you are not eligible to receive life insurance benefits under the terms of the Employer's Benefit Plan, the Employer is not responsible for the provision of health benefits coverage for you and your dependents.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee