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## OPINION OF TRUSTEES

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### In Re

Complainant: Employee  
Respondent: Employer  
ROD Case No: 81-456 - May 29, 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

The Complainant, whose date of birth is June 14, 1931, incurred a compensable injury while performing classified work for the Respondent on October 18, 1982. As a result of that injury, he has been receiving temporary total disability benefits by order of the Commissioner of the Workers' Compensation Fund and will continue to do so indefinitely.

The Complainant has worked at classified employment for the Respondent for over fourteen (14) years. The Respondent has furnished him with benefits coverage through October 31, 1983. The Respondent has advised the Complainant that he is not eligible for continued benefits coverage under Article II C. of the Employer's Benefit Plan as he is neither entitled to Social Security Disability Insurance Benefits nor to Sickness and Accident benefits and, furthermore, there does not exist a medical determination that he is totally disabled due to a compensable injury.

### Dispute

Is the Respondent responsible to provide the Complainant with health benefits coverage as a disabled Employee after October 31, 1983?

### Position of the Parties

Position of the Complainant: The Complainant is receiving temporary total disability benefits and is therefore considered totally disabled and eligible for continued benefits coverage under Article II C. (2) of the Plan.

Position of the Respondent: The Complainant is not entitled to benefits coverage under Article II G. of the Plan as he receives neither Social Security Disability Insurance benefits nor Sickness and Accident benefits and is not totally disabled.

#### Pertinent Provisions

Article I (1), (2) and (4) of the 1981 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. (2) 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 above, health benefits shall also be provided to any Employee who:

- (2) Becomes totally disabled due to a compensable disability within four years of the date he would be eligible to receive a pension under the 1974 Pension Plan or any successor thereto, as long as he continues to be so disabled and during the period for which Workers' Compensation payment (Workmen's Compensation does not include Federal Black Lung Benefits) are applicable.

Article II A. of the UMWA 1974 Pension Plan provides:

##### A. Age 55 Retirement

Any participant who (a) has at least 10 years of signatory service or at least twenty years of credited service, including the required amount of signatory service as set forth in Article IV(C)(6), and (b) has attained the age 55 years (but not the age of 62) prior to retirement shall be eligible to retire on or after June 7, 1981, and shall upon his retirement (hereinafter "Age 55 Retirement") be eligible for a pension.

#### Discussion

Article II C. (2) of the 1981 Employer's Benefit Plan provides that, for an individual to qualify for health benefits coverage, he must have become totally disabled as a result of a compensable disability within four (4) years of the date the Employee would be eligible to receive pension benefits. The 1974 Pension Plan provides that pension benefits are to be provided to "[a]ny participant who (a) has at least 10, years of signatory service... and (b) has attained the age 55 years....

By order of the Commissioner of the Workers' Compensation Fund, the Complainant was found to be eligible for temporary total disability benefits effective October 18, 1982, as a result of a work-related injury sustained on that date. The Trustees conclude that the onset date of his total disability was October 18, 1982. Furthermore, the Complainant was fifty-one (51) years of age on October 18, 1982, and has more than fourteen (14) years of signatory service. As such, he satisfies the above requirements under Article II C. (2) of the Plan for health benefits coverage. Accordingly, the Respondent is required to provide health benefits coverage for the Complainant.

The Respondent cites the opinion rendered in ROD 64 in support of its position in this case. The circumstances differed in ROD 64, however, in that the Employee, although eligible for Workers' Compensation benefits, did not meet the service requirements for a pension as required by the 1974 Pension Plan. The opinion in ROD 64, therefore, is not applicable to this dispute.

#### Opinion of the Trustees

The Respondent is responsible for the provision of health benefits coverage for the Complainant after October 31, 1983, and continuing for as long as he meets the eligibility requirements of Article II C.