

August 31, 1984

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

Re: Opinion of Trustees  
Resolution of Dispute  
Case No. 81-469

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 concerning the provision of health benefits coverage for your daughter under the Employer's Benefit Plan.

According to the information provided, your 19 year old daughter is employed full-time and lives in your household. Evidence submitted, including household receipts and estimates of expenses for the previous twelve (12) months, as well as a statement of your daughter's earnings for the period July 11, 1983 through April 30, 1984, indicates that you provide approximately forty-four (44) percent of your daughter's support.

Article II D. (2) of the Employer's Benefit Plan stipulates that health benefits coverage shall be provided to unmarried dependent children of an eligible Employee who have not attained age 22. Question and Answer H-2 (81), attached hereto, states, in pertinent part, that a child is considered dependent on an eligible Employee if the Employee provides over fifty (50) percent of the child's support. Support includes, but is not limited to, "the fair rental value of lodging, reasonable cost of board, clothing, miscellaneous household services and education expenditures. According to the evidence submitted, you furnish forty-four (44) percent of your daughter's support, which does not satisfy the requirement of dependency.

The Trustees conclude that your Employer is not responsible for the provision of health benefits coverage for your daughter, as you do not furnish more than fifty (50) percent of her support, as required by the Employer's Benefit Plan.

Sincerely,

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Harrison Combs, Chairman

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John J. O'Connell, Trustee

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Paul R. Dean, Trustee