

Opinion of Trustees  
Resolution of Dispute  
Case No. 81-484  
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September 24, 1984

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

Re: Opinion of Trustees  
Resolution of Dispute  
Case No. 81-484

Pursuant to Article IX of the 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 an Employer's responsibility to provide benefits coverage for an Employee's foster children under the Employer's Benefit Plan and hereby render their opinion on the matter.

Article II. D. (2) of the Employer's Benefit Plan provides that health benefits coverage under Article III shall be provided to unmarried dependent children of an Employee or Pensioner who have not attained age 22. Question and Answer H-3 (81) defines dependent children to include stepchildren, illegitimate children and adopted children. Foster children are specifically excluded. The Final Order of Custody which you submitted indicates that you have been given custody of Debra and Fonda, until further order of the Court. Inasmuch as the children have not been adopted by you, they do not meet the provisions of Article II D. (2). Consequently, your Employer is not responsible for the provision of benefits coverage for them.

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