
OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 81-493 - April 29, 1986

Board of Trustees: Joseph P. Connors, Sr., Chairman; Paul R. Dean, Trustee; William S. 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

The Complainant is the surviving spouse of a miner who died as a result of a mine accident that occurred on June 12, 1979, while he was employed by the Respondent. The Respondent provided health benefits for the Complainant and her dependent children for 60 months and then terminated them, contending that it was not responsible for the provision of any further benefits. The Complainant claims that she is entitled to health benefits until remarriage under the terms of the Employer Benefit Plan.

Dispute

Is the Respondent responsible for the provision of health benefits coverage for the Complainant and her dependent children for more than 60 months after the death of the Complainant's husband?

Positions of the Parties

Complainant: The Respondent is responsible for the provision of health benefits until remarriage under Article II.E.(1) of the Employer Benefit Plan.

Respondent: The Complainant is entitled to only 60 months of benefits after her husband's death.

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;

Opinion of the Trustees

For the reasons set forth in the Trustees' decision in ROD Case No. 81-439 (enclosed herein), a case involving essentially similar facts, 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.