

February 25, 1985

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

Re: Resolution of Dispute

Case No. 81-498

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 the Employer's responsibility to provide Employees with health and other non-pension benefits at the level prescribed by the terms of the National Bituminous Coal Wage Agreement of 1981 (Wage Agreement). The Trustees hereby render their opinion on this matter.

This dispute arises out of the Complainants' belief that their Employer is not providing benefits coverage to them at the level specified in the Wage Agreement for Employer Benefit Plans. They have asked that all outstanding bills for covered health services incurred during their period of employment with the Employer from January to April 1984 be paid by their Employer, and that they be reimbursed for covered expenses they have incurred.

The Complainants have submitted copies of itemized health care invoices and a copy of their group medical insurance identification card. Evidence has been submitted that payment of their health care claims has been denied.

The Employer has failed to respond to repeated correspondence from the Funds requesting its position in this dispute. Therefore, the Trustees must decide this dispute based on the available information.

Under Article II A (1) and (4) of the Employer's Benefit Plan, persons who are actively at work for the Employer on the effective date of the Wage Agreement are eligible to receive the health benefits pursuant to Article III of the Plan. Persons employed after the date of the Wage Agreement will be eligible from the first day worked with the Employer.

Employment information reported to the UMWA Health and Retirement Funds by the Employer shows that the Complainants were employed by Applejack Mining Inc. from January 1984 through April 1984. They are, therefore, eligible for benefits coverage during that time.

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Benefit levels to be provided to Employees, Pensioners and their dependents and survivors are established through collective bargaining and are not subject to unilateral change by either party. The evidence submitted indicates that the level of benefits provided by the Employer does not meet the requirements for an Employer Benefit Plan. The Trustees have therefore determined that the Employer is responsible for provision of benefits coverage at the level specified in the Employer Benefit Plan.

Sincerely,

Harrison Combs, Chairman

Joseph P. Brennan, Trustee

William Miller, Trustee

Paul R. Dean, Trustee