

February 4, 1985

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

Re: Resolution of Dispute
Case Number 81-519

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 your former Employer's responsibility to provide you 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) as a UMWA 1974 Plan Pensioner. The Trustees hereby render their opinion in this matter.

According to evidence which you submitted, including copies of insurance policies and copies of a group medical insurance identification card, it appears that the level of benefits coverage provided by the Employer is not consistent with that required of Employer Benefit Plans. You have asked that the Employer provide benefits coverage at the level specified in the Wage Agreement and in the Plans which are incorporated by reference therein.

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.

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 Employer is responsible for providing medical coverage at the level specified in the Wage Agreement for the Employer Benefit Plan.

Records maintained by the UMWA Health & Retirement Funds show that you were awarded a 1974 Plan pension based on twenty years of credited service, effective August 1, 1982. These records also show that your last classified signatory employment was with the Employer. Therefore, the Employer is required to provide benefits coverage under Article II B (1) of the standard Employer Benefit Plan at the level specified therein.

The evidence submitted indicates that the level of benefits provided by the Employer does not meet the requirements of the 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

Opinion of Trustees
Resolution of Dispute
Case No. 81-519
Page 2

William Miller, Trustee

Paul R. Dean, Trustee