

January 28, 1985

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

Re: Resolution of Dispute
Case Number 81-522

Pursuant to Article IX of the United Mine Workers of America ("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 your former Employer's responsibility to provide you and your eligible dependents with health and other non-pension benefits, as a Pensioner whose last classified signatory employment was with the Employer, under 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 from your belief that the Employer is not providing you and your dependents with benefits coverage as specified in the Wage Agreement for the Employer Benefit Plan.

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.

Information on file at the Funds shows that, effective February 1, 1983, you began receiving a deferred vested pension based on 20 years of credited service and that your last classified signatory employment was with the Employer.

Article I (5) of the standard Employer Benefit Plan defines Pensioner, in pertinent part, as "any person who is receiving a pension, other than

(i) a deferred vested pension based on less than 20 years of credited service...."

Article II B(1) of the Employer Benefit Plan provides benefits coverage to any Pensioner who is not again employed in classified signatory employment subsequent to his initial date of retirement under the 1974 Pension Plan and June 7, 1981. The record shows that the effective date of your pension was after June 7, 1981, and that you have not been re-employed in classified signatory employment since your initial date of retirement. Therefore, as a Deferred Vested Pensioner with 20 years of credited service whose last classified signatory employment was with the Employer, you are entitled to benefits coverage under the Employer Benefit Plan.

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The Trustees note that in response to an earlier inquiry, a separate administrative review was conducted by the Funds into the status of the Employer. That investigation concluded that the Employer does not meet the criteria set forth in the UMWA 1974 Benefit Plan defining when a company is no longer in business and financially unable to provide benefits coverage.

Accordingly, it is the opinion of the Trustees that the Employer is required to provide you and your eligible dependents with benefits coverage as specified in the standard Employer Benefit Plan.

Sincerely,

Harrison Combs, Chairman

Joseph B. Brennan, Trustee

William Miller, Trustee

Paul R. Dean, Trustee