

Opinion of Trustees
Resolution of Dispute
Case No. 81-538
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February 25, 1985

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

Re: Resolution of Dispute
Case Number 81-538

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 an Employer's responsibility to coordinate copayment and deductible provisions of health benefits coverage to an Employee returning to classified employment from a leave of absence with the United Mine Workers of America under the terms of the National Bituminous Coal Wage Agreement of 1981 (NBCWA). The Trustees hereby render their opinion on this matter.

Information submitted to the Funds shows that you took a leave of absence from your signatory Employer on June 22, 1981, to work for UMWA District 17 as a Field Representative. You returned to work with your signatory Employer on October 1, 1984. You are claiming that because you paid a deductible for health services under the UMWA health plan, you should not have to pay a co-payment under your Employer's Benefit Plan now that your leave of absence has ended.

It is the position of your Employer that the deductible you paid while working for the Union is not transferable to your current benefits plan.

Article III A (8) of the Employer's Benefit Plan states that if any Employee is covered under an Employer Plan created pursuant to the NBCWA of 1978 by more than one signatory employer during a 12 month period, the total copayments made by the employee during such period shall be counted toward the 12 month maximum co-payment.

As the UMWA health plan is not an Employer Plan established pursuant to the NBCWA, the Trustees conclude that the Employer is not required to count the deductible you paid during your employment with the union toward the 12 month maximum co-payment provided by your Employer's Benefit Plan.

Sincerely,

Harrison Combs, Chairman

Joseph P. Brennan, Trustee

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William B. Miller, Trustee

Paul R. Dean, Trustee
