

February 25, 1985

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

Re: Resolution of Dispute  
Case No. 81-554

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 Employer's responsibility to provide health benefits coverage to Kevin Eugene Dowell, as a dependent of an Employee, under the terms of the National Bituminous Coal Wage Agreement of 1981 (Wage Agreement). The Trustees hereby render their opinion on this matter.

Information submitted to the Funds by you shows that on September 30, 1983, you were appointed by the Court as legal guardian of Kevin Eugen Dowell, who is 17 years of age. 1983 Federal tax returns indicate that you are also currently claiming him as a dependent.

It is the position of your Employer that Kevin does not meet the requirements of dependency as set forth in Article II D (2) of the Employer's Benefit Plan. Article II D (2) specifies that health benefits under Article III shall be provided to unmarried dependent children of an eligible Employee or Pensioner who have not attained age 22.

Question and Answer H-3 (81), attached hereto, further clarifies that nieces, nephews, foster children, brothers and sisters are not covered for health benefits under the Employer's Benefit Plan unless they are legally adopted.

Therefore, although your foster child may be dependent on you for his support, the Trustees have concluded that he is not eligible as a dependent for benefits coverage under the Employer's Benefit Plan because he has not been legally adopted.

Sincerely,

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Harrison Combs, Chairman

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Joseph P. Brennan, Trustee

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William B. Miller, Trustee

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Paul R. Dean, Trustee