

June 24, 1985

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

Re: Opinion of Trustees
Resolution of Dispute
Case No.: 81-579

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 the provision of health benefits coverage for a laid-off Employee by the Employer under the terms of the Employer Benefit Plan. They hereby render their opinion on the matter.

According to information submitted to the Funds you were employed by the Employer in a classified position from 1976 to December 31, 1983, at which time you were laid off. In the 24 consecutive month period prior to your layoff, you worked over 2000 hours. The Employer provided you with extended benefits coverage through May 31, 1984.

This dispute arises from your contention that because you accumulated more than 2000 work hours in the 24 consecutive month period prior to your layoff, you should have been provided with 12 months of benefits coverage from the date of your layoff. The Employer maintains that your benefits coverage was terminated because you worked at other jobs during your layoff period. You have denied that you have accepted other employment and asked the Trustees to make a determination as to your entitlement' to receive benefits under the Employer Benefit Plan.

Under Article II D (1) (a) of the Employer Benefit Plan, extended benefits coverage is calculated according to the number of hours worked for the last Employer in the 24 consecutive calendar month period prior to the date last worked.

Although the Employer contends that you were employed in other jobs during your layoff period, it has failed to provide the Funds with evidence to support this allegation. Therefore because you worked for the Employer more than 2000 hours in the 24 month period prior to your providing you with 12 months extended benefits coverage, from January 1, 1984 through December 31, 1984.

Sincerely,

Joseph P. Connors, Sr., Chairman

Paul R. Dean, Trustee

Opinion of Trustees
Resolution of Dispute
Case No. 81-579
Page 2

William B. Jordan, Trustee

William Miller, Trustee

Donald E. Pierce, Jr., Trustee