

April 29, 1985

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-587

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 worked as a classified Employee for the Respondent from September 1978 to July 10, 1984, and terminated employment as a result of a layoff. During your employment, you received Sickness and Accident Benefits from February 12, 1983, to October 10, 1983, and from March 12, 1984, to May 7, 1984, due to a job-related injury. Funds' records show that in the 24 consecutive months prior to your layoff, the Respondent reported 1715 hours worked. Sickness and Accident hours from February to October 1983 and from March to May 1984 totaled 528 hours. This dispute arises from your contention that the Sickness and Accident hours should have been included when determining your eligibility for extended benefits coverage.

Article III. D. (1) (a) of the Employer Benefit Plan provides that laid-off Employees are eligible for continuation of coverage for periods of 30 days, 6 months or 12 months from the date last worked, based on the number of hours worked for the Employer during the 24 consecutive calendar month period prior to their last date worked.

In Q&A P-16 (2), attached hereto, the Trustees decided that periods of time during which an Employee received Sickness and Accident Benefits are not "hours worked" for the purpose of extending the Employee's eligibility for Funds' health benefits. Q&A P-16 (2) interprets a schedule of benefits adopted pursuant to the UMWA 1950 and 1974 Benefit Plans that is identical to Article III. D. (1) (a) of the Employer Benefit Plan. In addition, in RODs 81-143, 81-144 and 81-148, the Trustees decided that Sickness and Accident Benefits may not be counted as hours worked for purposes of the Employer Benefit Plan. Accordingly, in

determining your eligibility for extended benefits coverage, your Sickness and Accident benefits should not be counted as hours worked.

Sincerely,

Joseph P. Connors, Sr., Chairman

Paul R. Dean, Trustee

William B. Jordan, Trustee

William Miller, Trustee

Donald E. Pierce, Jr., Trustee