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## OPINION OF TRUSTEES

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### In Re

Complainant: Pensioner  
Respondent: Employer  
ROD Case No: 81-616 - September 11, 1985

Board of Trustees: Joseph P. Connors, Sr., Chairman; Paul R. Dean, Trustee; William B. Jordan, Trustee; William Miller, Trustee; Donald E. Pierce, Jr., Trustee.

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 level of health benefits coverage under the terms of the Employer Benefit Plan. They hereby render their opinion on this matter.

### Background Facts

The Complainant's last classified signatory employment in the coal industry was with the Respondent on August 11, 1980. On that date, the Complainant sustained a work-related injury. The Complainant's application for Social Security Disability Insurance ("SSDI") benefits was approved on December 16, 1981.

The Complainant filed an application for disability pension benefits under the UMWA 1974 Pension Plan on January 14, 1983. On June 2, 1983, the Complainant was notified by letter that it had been determined that he was eligible for a disability pension from the Funds, retroactive to September 1, 1980. The Complainant was advised to contact his last signatory Employer, the Respondent, concerning the provision of health benefits coverage for a disabled pensioner. The Respondent also received a copy of that letter and provided the Complainant with health benefits coverage until such coverage was terminated by the Respondent in August of 1982.

### Dispute

Is the Respondent responsible for the provision of health benefits coverage for the Complainant as a pensioner of the UMWA 1974 Pension Plan and Trust?

### Positions of the Parties

Position of the Complainant: The Complainant asks that his health benefits coverage be reinstated by the Respondent.

Position of the Respondent: The Respondent has failed to respond to repeated correspondence from the Trustees requesting its position in this dispute.

#### Pertinent Provisions

Articles I (1), (2) and (5) of the 1981 Employer Benefit Plan provide:

The following terms shall have the meanings herein set forth:

- (1) "Employer" means (coal company).
- (2) "Wage Agreement" means the National Bituminous Coal `Wage Agreement of 1981, as amended from time to time and any successor agreement....
- (5) "Pensioner" shall mean any person who is receiving a pension, other than (i) a deferred vested pension based on less than 20 years of credited service, or (ii) a pension based in whole or in part on years of service credited under the terms of Article II G of the 1974 Pension Plan, (or any successor thereto), subject to provisions of Article II B of this Plan.

Article II B. (1) of the 1981 Employer Benefit Plan provides:

#### Article II - Eligibility

##### B. Pensioners

Health and life insurance under Article III hereof shall be provided to Pensioners as follows:

- (1) Any Pensioner who is not again employed in classified signatory employment subsequent to
  - (a) such Pensioner's initial date of retirement under the 1974 Pension Plan, and
  - (b) June 7, 1981,

shall be eligible for coverage as a Pensioner under, and subject to all other provisions of this Plan. Notwithstanding (i) and (ii) of the definition of Pensioner in Article I (5) of this Plan, any such Pensioner who was eligible for benefits under the 1974 Benefit Plan as a Pensioner on

December 5, 1977, shall be eligible for such benefits, subject to all other provisions of this Plan.

#### Discussion

Article II B. of the Employer Benefit Plan establishes that an individual eligible for disability pension benefits under the UMWA 1974 Pension Plan is eligible for benefits coverage under the Employer's Benefit Plan. The Complainant was awarded a UMWA 1974 Pension Plan disability pension on June 2, 1983, retroactive to September 1, 1980. Based on this fact, the Complainant satisfies the eligibility requirements of Article II B. of the Employer Benefit Plan. The Complainant states, however, that the Respondent terminated his health benefits coverage in August of 1982.

The issue of the provision of health benefits coverage for a pensioner has been addressed previously by the Trustees in ROD numbers 81-419, 81-500, and 81-512. In these respective decisions, the Trustees stated that the Employer is responsible for providing health benefits coverage for persons who satisfy the definition of Pensioner as set forth in Article I (5) of the Employer Benefit Plan. Inasmuch as the Complainant has been awarded a disability Pension from the UMWA 1974 Pension Plan, he must be considered a Pensioner within the meaning of Article II B. of the Employer Benefit Plan. Consequently, the Respondent is responsible for providing coverage to the Complainant and his eligible dependents under the Employer Benefit Plan effective September 1, 1980, pursuant to Article II B of the Employer Benefit Plan.

#### Opinion of the Trustees

It is the opinion of the Trustees that the Respondent is responsible for the provision of health benefits coverage for the Complainant and his eligible dependents, effective September 1, 1980, pursuant to Article II B of the Employer Benefit Plan.