

Opinion of Trustees
Resolution of Dispute
Case No. 81-621
Page 1
June 25, 1985

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-621

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 last employed as a classified Employee for the Employer from January 8, 1984 through October 30, 1984 when you were laid off. In the 24 consecutive month period prior to your layoff, you worked 1456 hours for the Employer. In addition, records show that you accumulated 1121 additional work hours at another signatory coal company during this 24 month period.

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 be provided with 12 months of extended benefits from your last day worked. The Employer maintains that extended benefits coverage following a layoff is based on the hours worked for the last Employer only. Consequently, the Employer's position is that you are entitled to 6 months of extended coverage based on having worked more than 500 hours but less than 2000 hours for the Employer in the 24 consecutive month period prior to your layoff.

Under Article III D (1) (a), extended benefits coverage for laid-off Employees is based on the number of hours worked for the last Employer in the 24 consecutive calendar month period prior to the date last worked. A laid-off Employee who worked 500 or more but less than 2000 hours in the 24 consecutive calendar month period prior to his date last worked is entitled to continuation of coverage for the balance of the month in which he last worked plus 6 months.

In the 24 month period prior to your layoff, you worked 1456 hours for the Employer. Therefore the Trustees conclude that you are entitled to extended benefits coverage for the 6 month period from November 1, 1984 through April 30, 1984.

Sincerely,

Joseph P. Connors, Jr., Chairman

Paul R. Dean, Trustee

William B. Jordan, Trustee

Opinion of Trustees
Resolution of Dispute
Case No. 81-621
Page 2

William Miller, Trustee

Donald E. Pierce, Jr., Trustee