

January 14, 1986

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

RE: Opinion of the Trustees
Resolution of Dispute
Case No: 81-635

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 Pensioner under the terms of the Employer Benefit Plan.

You have stated that you began working for the Employer in a classified position in 1974. In mid 1976, you suffered a compensable mine injury and consequently retired from the coal industry. You currently receive disability pension benefits from the UMWA 1974 Pension Trust which became effective on July 1, 1977.

You have stated that the Employer has failed to provide you with health benefits coverage. You initially asked the Trustees to decide who is responsible for providing your health benefits coverage. In a telephone conversation with a Funds' staff member on November 8, 1985, you were informed that, inasmuch as the Funds has determined that the Employer is no longer in business as of June 10, 1985, the 1974 Benefit Trust will provide you with health benefits coverage, effective June 11, 1985. You now ask that the Trustees render a decision as to who is responsible for the provision of health benefits coverage prior to June 11, 1985.

The Respondent has failed to answer repeated correspondence from the Funds requesting its position in this dispute. Therefore, the Trustees must render a decision based upon the available information on file.

Article XX (C)(3)(i) of the National Bituminous Coal Wage Agreement of 1981 states that each signatory Employer shall establish and maintain an Employer Benefit Plan to provide health and other non-pension benefits for pensioners whose last classified signatory employment was with the Employer. Article I (5) of the Employer Benefit Plan defines a Pensioner as any person who is receiving a pension, other than a deferred vested pension based on less than 20 years of credited service, whose last classified signatory employment was with the Employer. Article II

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B. (1) provides health benefits coverage for a Pensioner who is not again employed in classified signatory employment subsequent to such Pensioner's initial date of retirement under the UMW 1974 Pension Plan.

Inasmuch as you satisfy the definition of a Pensioner as set forth in Article I (5) and are eligible to receive health benefits coverage pursuant to Article II B. (1) of the Employer Benefit Plan, the Respondent is responsible for the provision of health benefits coverage at the level set forth in the Employer Benefit Plan for the period you were eligible for benefits as a Pensioner prior to June 11, 1985.

Sincerely,

Joseph P. Connors, Sr., Chairman

Paul R. Dean, Trustee

William B. Jordan, Trustee

William Miller, Trustee

Donald E. Pierce, Jr., Trustee