

August 27, 1985

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

Re: Opinion of Trustees  
Resolution of Dispute  
Case No. 81-640

Pursuant to Article IX of the United Mine Workers of America 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 benefits coverage for you as a laid-off Employee under the terms of the Employer Benefit Plan and hereby render their opinion on the matter.

Information supplied to the Funds shows that you were employed in a classified position for the Employer from April 1, 1976 until you were laid off on April 16, 1983. The Employer reported that you performed more than 2,000 hours of classified service during the 24 consecutive calendar month period immediately prior to your layoff. In accordance with Article III D. (1)(a) of the Employer Benefit Plan, which provides for the continuation of coverage for laid-off Employees based upon hours worked during the 24 consecutive calendar month period prior to the date last worked, the Employer provided extended coverage through May 1, 1984.

In Resolution of Dispute number 81-466 which you previously submitted, the Trustees determined that, as a result of an arbitration decision in which you were awarded back pay, you were entitled to continuation of coverage through December 31, 1984.

The current dispute arises out of your contention that because the Employer did not provide you with extended coverage from May 1, 1984 through December 31, 1984, it is responsible for reimbursing you for premiums you paid when you purchased private health insurance for this period. You have submitted photocopies of cancelled checks, totalling \$957.86, representing the premiums you paid and have asked that the Trustees render a decision as to whether the Employer is responsible for the reimbursement of these premium payments.

The Employer has stated that it did indeed provide you with extended coverage from May 1, 1984 through December 31, 1984, and that all claims submitted for covered services provided during this period have been paid. The Employer has declined to reimburse you for the premiums paid to secure private insurance coverage.

The 1981 National Bituminous Coal Wage Agreement contains no specific provisions requiring the Employer to reimburse Employees for private health insurance premiums they pay during a

Opinion of Trustees  
Resolution of Dispute  
Case No. 81-640  
Page 2

period for which the Employer is responsible for providing coverage pursuant to the Employer Benefit Plan. This issue has, however, previously been addressed by the Trustees in Resolution of Dispute numbers 81-17 and 81-273. In both decisions, the Trustees stated that the Employer's obligation is limited to reimbursing an Employee for medical charges which are covered under the terms of the Employer Benefit Plan and which were incurred during the period the laid-off Employee is eligible for continuation of coverage. Accordingly, the Trustees are of the opinion that the Employer is not responsible for reimbursing you for monthly premiums paid for private insurance coverage from May 1, 1984 through December 31, 1984.

Sincerely,

---

Joseph P. Connors, Sr., Chairman

---

Paul R. Dean, Trustee

---

William B. Jordan, Trustee

---

William Miller, Trustee

---

Donald E. Pierce, Jr., Trustee