

May 20, 1985

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

Re: Resolution of Dispute  
Case No. 84-010

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 a question concerning an Employer's authority to require participants to provide proof of marital status and claimed dependency for benefits coverage under the Employer Benefit Plan.

This dispute arises from your question as to whether the Employer may request certain types of information as proof of dependency for continued benefits coverage. You have also asked whether there should be a presumption of dependency for young children where a birth certificate and marriage certificate are presented.

The Trustees have previously concluded in RODs 81-300, 84-011 and 84-014 (attached hereto), that an Employer may require Employees to furnish reasonably available information at reasonable intervals to establish date of birth, marital status and dependency for a spouse or a dependent, and that the Employer should allow an adequate period of time for the Employee to submit the required documentation.

Based on the information submitted by the Parties, the Trustees conclude that the Employer may request documentation of dependency and that the most recent Federal Income Tax Return is among the forms of documentation that are "reasonably available." As in ROD 84-014, however, if the Employee does not wish to submit a tax return, the Employer should accept a statement from a certified public accountant or a notary public that the Employee has claimed the individual as a dependent on the tax return.

The final question raised by the Complainant's representative is whether a young child should be considered dependent where the Employee has presented a valid birth certificate establishing that the child is the Employee's natural child and a valid marriage certificate establishing that the Employee and spouse are married, and the Employee provides a written statement that the child is dependent. The Trustees conclude that such documentation is normally adequate to establish the dependency of a young child. However, where an Employer receives conflicting information, it may be necessary to require additional documentation, such as a Federal Income Tax Return, to properly determine dependency.

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The Trustees have previously expressed the belief that it is in the best interest of the beneficiaries, the UMWA and Employers that data be accurate. In addition, it is essential that the purpose of such inquiries be fully explained to beneficiaries to avoid misunderstandings and improve cooperation in the process.

Sincerely,

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Joseph P. Connors, Sr., Chairman

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Paul R. Dean, Trustee

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William B. Jordan, Trustee

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William Miller, Trustee

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Donald E. Pierce, Jr., Trustee