

June 25, 1985

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

Re: Resolution of Dispute
Case Number 84-043

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 the Employer's authority to require a Participant to provide proof of dependency for claimed dependents residing outside the Participant's household for benefits under the Employer Benefit Plan.

You contend that this dispute arises because your children (Charles, age 11 and Linda, age 10) were denied health benefits coverage because they reside outside of your household and because you do not provide over one-half of their support. The Employer contends that the termination of health benefits coverage for your children occurred only because you have failed to provide proof that you supply over one-half of their support.

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.

The issue of the eligibility of children not residing in the participant's household has been addressed by Q&A H-14 (81) (attached hereto). Q&A H-14 (81) states that a participant's children who live with a separated or divorced spouse are eligible for health benefits coverage as long as the participant provides support sufficient to establish their dependency as defined in Q&A H-2 (81), or is under court order to provide such support. A participant under court order to supply health benefits to children residing outside the household must ultimately show that his children meet the criteria for dependency as established in Q&A H-2 (81) in order for them to be considered eligible for health benefits coverage under the Employer Plan. Therefore, in order for your children to be considered dependents under the Employer Plan, you must provide sufficient documentation to demonstrate that the \$75.00 per month child support that you provide for each child constitutes more than one-half of the total monthly support necessary for each child.

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In conclusion, the Trustees believe that the Employer is not responsible for providing health benefits coverage for your children in the absence of sufficient proof of dependency.

Sincerely,

Joseph P. Connors, Sr., Chairman

Paul R. Dean, Trustee

William B. Jordan, Trustee

William Miller, Trustee

Donald E. Pierce, Jr., Trustee