

Opinion of Trustees
Resolution of Dispute
Case No. 84-051
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August 26, 1985

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 84-051

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 your sister-in-law's eligibility for health and other non-pension benefits coverage as your dependent under the terms of the Employer Benefit Plan, and hereby render their opinion on the matter.

Your contention is that your sister-in-law is eligible for health benefits coverage as your dependent because your wife has accepted legal guardianship for her. In addition, you and your wife provide the child's only source of financial support.

The Employer's contention is that inasmuch as your sister-in-law has not been legally adopted, she does not meet the definition of an eligible dependent as defined in Article II D.(2) of the Employer Benefit Plan. Consequently, the Employer has denied responsibility for the provision of benefits coverage for your sister-in-law.

Article II D. (2) of the Employer Benefit Plan provides that health benefits coverage under Article III shall be provided to unmarried dependent children of an Employee or Pensioner who have not attained age 22. Question and Answer H-3 (81) (enclosed herein) defines dependent children to include step-children, illegitimate children and adopted children. Additionally, the question of the provision of health benefits coverage for the sister of a Participant has been addressed by the Trustees in Resolution of Dispute (ROD) Case Number 81-484 (enclosed herein). This decision concluded that, regardless of the amount of support provided by the Participant, the Participant's sister did not meet the eligibility requirements as a dependent for health benefits coverage under the Employer Benefit Plan because she had not been legally adopted by the Participant.

Inasmuch as legal appointment to guardianship does not constitute legal adoption, your sister-in-law does not meet the eligibility requirements of Article II D/ (2) of the Employer Benefit Plan. Consequently, the Employer is not responsible for the provision of health benefits coverage for your sister-in-law.

Sincerely,

Joseph P. Connors, Sr., Chairman

Paul R. Dean, Trustee

William B. Jordan, Trustee

William Miller, Trustee

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Donald E. Pierce, Jr., Trustee
