

November 22, 1985

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

RE: Opinion of the Trustees  
Resolution of Dispute  
Case No: 84-087

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 the ex-spouse of an Employee under the terms of the Employer Benefit Plan.

Article II A. (1) of the Employer Benefit Plan provides health benefits coverage for Employees who are actively at work for the Employer on the effective date of the Wage Agreement and for new Employees from the first day worked with the Employer. Additionally, Article II D. (1) of the Plan provides coverage for a spouse who is living with or being supported by an eligible Employee.

You have stated that you divorced your wife and that the Employer provided her health benefits coverage until it was informed of the divorce. You have asked that the Employer continue to be responsible for her coverage as you continued to live with your former spouse after the divorce. In a telephone conversation with a member of the Funds' staff, however, you stated that you and your former spouse have not lived together since July of 1985.

The Employer has denied responsibility for the provision of health benefits coverage for your former spouse stating that Article II D. (1) of the Employer Benefit Plan provides coverage only for the spouse of an eligible Employee and that the Employer Benefit Plan does not provide for the continuation of coverage for an Employee's former spouse after a divorce has been granted.

Article II D. (1) of the Employer Benefit Plan provides health benefits coverage for the spouse of an eligible Employee. Your former spouse, however, ceased to be your spouse within the meaning of Article II D. (1) as of the date of your divorce. The issue of whether the Employer Benefit Plan provides for the continuation of coverage for a former spouse after a divorce has

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been granted has previously been addressed by the Trustees in ROD #10 (enclosed herein). In their decision, the Trustees concluded that the Plan does not provide health benefits coverage for a former spouse once a divorce has been granted. Therefore, the Employer is not responsible for the provision of health benefits coverage for your former spouse beyond the date of your divorce.

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