

November 22, 1985

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

RE: Opinion of the Trustees  
Resolution of Dispute  
Case Number 84-092

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 a dependent under the terms of the Employer Benefit Plan.

As the Employee's representative, you have stated that the Employee married in August of 1974 and that his wife's six-year old son became his stepson by virtue of such marriage. The Employee and his wife subsequently obtained a divorce on December 25, 1980, and you have submitted a copy of a custody order, dated February 8, 1985, which grants the Employee custody of the child. Furthermore, you have stated that the child currently resides in the Employee's household and that the Employee provides one-hundred percent of the child's support.

The Employer has denied responsibility for the provision of health benefits coverage for the child stating that because "the child's mother is no longer [the Employee's] spouse the child cannot be considered his stepchild." The Employer has also stated that adoption, and not simply a custody award or the demonstration of support, is necessary to establish the eligibility of such a dependent for health benefits coverage under the Employer Benefit Plan.

Under Article II D. (2) of the Employer Benefit Plan, health benefits coverage shall be provided to unmarried dependent children of an eligible Employee or Pensioner who have not attained age 22. In Q&A H-3 (81) (enclosed herein), the Trustees have determined that, assuming all elements of dependency as set forth in Article II D. (2) have been met, stepchildren, illegitimate children and adopted children are eligible for health benefits coverage under the Employer Benefit Plan. Although the Employee has been granted custody of the child by the court, the child ceased to be the Employee's stepson as of December 25, 1980, the day the Employee divorced the child's mother. In ROD 81-484 (enclosed herein), the Trustees concluded that a custody order, such as the one you have submitted on the Employee's behalf, does not constitute legal adoption. Therefore, inasmuch as the child cannot be considered to be the Employee's stepchild after

December 25, 1980 and is not the Employee's legally adopted child, the Employer is not responsible for providing health benefits coverage for the child as the Employee's dependent under the Employer Benefit Plan.

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