

January 28, 1986

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

RE: Opinion of Trustees
Resolution of Dispute
Case No: 84-124

Pursuant of 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 Dependent of an Employee under the terms of the Employer Benefit Plan.

Information supplied to the Funds indicates that you began working for the Employer in a classified position in October of 1975. Article II A. (1) of the Employer Benefit Plan provides health benefits coverage for active Employees who are at work for the Employer on the effective date of the Wage Agreement. Inasmuch as you satisfy the definition of active Employee as set forth in Article II A. (I) of the Plan, you are currently eligible for and receive health benefits coverage under the Employer Benefit Plan.

Your Employer has denied responsibility for the provision of health benefits coverage for your seventeen (17) year old brother stating that the brother of an Employee is not an eligible dependent within the meaning of Article II D. of the Employer Benefit Plan. Furthermore, your Employer has stated that its denial of health benefits coverage for your brother is supported by ROD 81-048 and Question and Answer H-3 (81).

You have stated that you provide full support for your brother who is presently a full-time student and that he resides in your household. You have therefore asked that your Employer provide health benefits coverage for your brother.

Article II D. of the Employer Benefit Plan does not specifically provide health benefits coverage for the brother of an eligible Employee. However, the issue of the eligibility of an Employee's sibling for health benefits coverage under the Employer Benefit Plan has previously been addressed by the Trustees in ROD 81-048 (enclosed herein). In addition, the Trustees stated in Question and Answer H-3 (81) (enclosed herein) that "brothers and sisters of participants are not

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covered. They may be included, however, if adopted by the participant." Therefore, although your brother resides in your household and is dependent upon you for his support, he is not your legally adopted child, and therefore does not meet the criteria for dependency under the Employer Benefit Plan. Accordingly, the Trustees are of the opinion that the Employer is not responsible for the provision of health benefits coverage for your brother.

Sincerely,

Joseph P. Connors, Sr., Chairman

Paul R. Dean, Trustee

William B. Jordan, Trustee

William Miller, Trustee

Donald E. Pierce, Jr., Trustee