
OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 84-209 - July 24, 1986

Board of Trustees: Joseph P. Connors, Sr., Chairman; Paul R. Dean, Trustee;
William B. Jordan, Trustee; William Miller, Trustee; Donald E. Pierce, Jr., Trustee.

Pursuant to Article IX of the United Mine Workers of America 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 level of health benefits coverage for the dependent of an employee.

Background Facts

The Complainant is an active mine worker employed in classified-service by the Respondent. The Respondent is providing the Complainant health benefits as an active Employee.

The Complainant claims to have been given legal guardianship of his minor niece on April 20, 1986, and contends that the Respondent should provide health benefits to his niece as his eligible dependent. The Respondent states that, according to the Employer Benefit Plan, the niece of an Employee is not an eligible dependent unless she has been adopted by the Employee. Because the Complainant's niece has not been adopted by the Complainant, the Respondent contends it is not required to provide her benefits.

Dispute

Is the Respondent responsible for providing health benefits for the Complainant's niece?

Positions of the Parties

Position of Complainant: Because the niece is an eligible dependent of the Complainant, the Respondent is responsible for providing her health benefits.

Position of Respondent: The Complainant's niece is not an eligible dependent as defined by the Employer Benefit Plan and it is not responsible for providing her health benefits.

Pertinent Provisions

Article I. (1), (2), (4), and (7) of the Employer Benefit Plan provide:

Article I Definitions

The following terms shall have the meanings herein set forth:

- (1) "Employer" means (Employer's Name).
- (2) "Wage Agreement" means the National Bituminous Coal Wage Agreement of 1984, as amended from time to time and any successor agreement.
- (4) "Employee" shall mean a person working in a classified job for the Employer, eligible to receive benefits hereunder.
- (7) "Dependent" shall mean any person described in Section D of Article II hereof.

Article II. D (2) of the Employer Benefit Plan provides:

D. Eligible Dependents

Health Benefits under Article III shall be provided to the following members of the family of any Employee, Pensioner, or Disabled Employee receiving health benefits pursuant to paragraphs A, B, or C, of this Article II:

- (2) Unmarried dependent children of an eligible Employee or Pensioner who have not attained age 22;,

For purposes of this paragraph D, a person shall be considered dependent upon an eligible Employee, Pensioner or spouse if such Employee, Pensioner or spouse provides on a regular basis over one-half of the support to such person.

Question and Answer (Q&A) H-3 (81) (Part 3) provides:

Subject: Health benefits; Dependent Children

Reference: (50B) II C; (74B) II C

Question:

Assuming all elements of dependency are met, may the following relatives qualify for health benefits as dependents of participants?

(3) Nieces, nephews, foster children, brothers and sisters.

Answer:

(3) Nieces, nephews, foster children, brothers and sisters are not covered. They may be included, however, if adopted by the participant.

Discussion

Under Article II D (2) of the Employer Benefit Plan, health benefits are provided to eligible dependent children of Employees. In this case, however, a question has been raised as to whether the Respondent is obligated to provide benefits to the Complainant's niece. Under Q&A H-3, the niece of an Employee does not qualify for health benefits unless she is adopted by the Employee. The Complainant does not claim to have adopted his niece, but only claims that he has been appointed legal guardian. Because guardianship does not meet the requirements for eligibility as explained in Q&A H-3, the Respondent is not responsible for the provision of health benefits to the Complainant's niece.

Opinion of the Trustees

The Respondent is not responsible for providing health benefits to the Complainant's niece.