
OPINION OF TRUSTEES

In Re

Complainants: Employee
Respondent: Employer
ROD Case No: 84-218 - October 18, 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 ("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 health benefits coverage under the terms of the Employer Benefit Plan.

Background Facts

The Complainant became a classified employee of the Respondent prior to July 1, 1985 and continued such employment until he voluntarily quit on or about March 1, 1986. The Respondent is signatory to the National Bituminous Coal Wage Agreement of 1984. The Complainant's wife gave birth to a son on July 21, 1985. The Complainant has submitted several unpaid medical bills incurred for services provided to the newborn from July 21, 1988 to February 28, 1986. The Respondent's insurance carrier has not paid these bills, claiming that the Complainant's newborn son was not enrolled as a dependent under the Respondent's insurance policy. The Complainant was instructed by the carrier to contact the Respondent to enroll his child as a dependent.

The Complainant claims that he contacted the Respondent to enroll his newborn son as a dependent. The Complainant claims that he submitted the requested forms to the Respondent, but his son was not added to the Respondent's insurance policy.

Dispute

Whether the Respondent is responsible for providing health benefits for the dependent newborn son of an Employee.

Positions of the Parties

Position of the Complainant: The Respondent is responsible for providing health benefits for his newborn son.

Position of the Respondent: The Respondent has not replied to repeated correspondence from the Funds regarding its position in this dispute.

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:

Article II - Eligibility

The persons eligible to receive the health benefits pursuant to Article III are as follows:

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.

Discussion

Article II D. (2) of the Employer Benefit Plan provides that the unmarried dependent children of an Employee are entitled to health benefits from an Employer pursuant to Article III of that Plan.

Therefore, the Complainant's newborn son was eligible for health benefits coverage under the Employer's Benefit Plan from his date of birth through the Complainant's last day of employment with the Respondent. In Resolutions of Dispute 84-045, 81-300, and 84-011 (enclosed herein), the Trustees previously concluded that a signatory Employer may require an Employee to submit information reasonably necessary to establish dependency. The Respondent's carrier requested the Complainant to complete the necessary form in order to enroll the newborn son. The Complainant claims that he submitted the requested information to the Respondent to enroll his newborn son as a dependent, and the Respondent has not disputed this claim.

Opinion of Trustees

The Respondent is responsible for providing health benefits to the Complainant's newborn son from July 21, 1988 through the last day the Complainant was an Employee of the Respondent.