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## OPINION OF TRUSTEES

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### In Re

Complainant: Disabled Employee  
Respondent: Employer  
ROD Case No: 84-221 - September 30, 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 the provision of benefits coverage under the terms of the Employer Benefit Plan.

### Background Facts

The Complainant was employed by the Respondent in classified work from January 30, 1981 through August 11, 1982. On March 23, 1984 he applied for a disability pension under the 1974 Pension Plan. His application for a disability pension from the Funds was denied, but the Complainant's application for Social Security Disability Insurance benefits was approved, effective February 1983. He was notified that, because he was working in a classified job for a signatory employer when he became disabled, is eligible to receive Social Security Disability Insurance benefits, and upon attaining age 55 will be eligible to receive a pension based on at least 20 years of credited service, including the required number of years of signatory service, he may be eligible for health benefits as a disabled employee. He was advised to contact his last signatory employer, the Respondent, to determine his eligibility.

The Complainant contends that the Respondent has not provided his health benefits as a disabled Employee. He asks whether the Respondent, or, in the alternative, the UMWA Health and Retirement Funds is responsible for providing his health benefits.

### Dispute

Whether the Respondent is responsible for the provision of the Complainant's health benefits coverage.

### Positions of the Parties

Position of the Complainant: The Respondent, or the UMWA Health and Retirement Funds is responsible for providing his health benefits.

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

### Pertinent Provisions

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

#### Article I - Definitions

The following terms shall have the meanings herein set forth:

- (1) "Employer" means (coal company).
- (2) "Wage Agreement" means the National Bituminous Coal Wage Agreement of 1981, 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.

Article II C. (1) of the Employer Benefit Plan provides:

#### Article II - Eligibility

##### C. Disabled Employees

In addition to disabled Pensioners who are receiving pension benefits and are therefore entitled to receive health benefits under paragraph B of this Article II, health benefits under Article III shall also be provided to any Employee who:

- (1)(a) Has completed 20 years of credited service, including the required number of years of signatory service pursuant to Article IV C. (6) of the 1974 Pension Plan or any corresponding paragraph of any successor thereto, and
  - (b) has not attained age 88, and
  - (c) became disabled after December 6, 1974 while in classified employment with the Employer, and
  - (d) is eligible for Social Security Disability Insurance benefits under Title II of the Social Security Act or its successor.

### Discussion

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Under Article II C. (1) of the Employer Benefit Plan, a disabled Employee is entitled to health benefits coverage if he has not attained age 55; satisfies the 20 year service pension eligibility requirement under the 1974 Pension Plan; became disabled after December 6, 1974, while in classified employment with the Employer; and is eligible for Social Security Disability Insurance benefits under Title II of the Social Security Act. Inasmuch as the Complainant meets the foregoing eligibility requirements of Article II C. (1) of the Employer Benefit Plan, he is entitled to health benefits coverage from the Respondent.

Opinion of the Trustees

The Respondent is responsible for providing the Complainant with health benefits as a disabled Employee.