
OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 84-256 - August 11, 1987

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 health benefits coverage for the claimed common-law spouse of an Employee under the terms of the Employer Benefit Plan.

Background Facts

The Complainant is actively employed by the Respondent and claims that he entered into a common-law marriage in September 1985. In support of this claim he has submitted certain documentation, including: a copy of a divorce decree indicating that he was previously married on December 16, 1975 and was divorced on August 20, 1985; a copy of a divorce decree indicating that his claimed common-law spouse was divorced from a previous marriage on June 30, 1984; a statement signed by nine (9) witnesses indicating that the Complainant and his claimed common-law spouse have shared a home as husband and wife for up to one year prior to July 1986; a statement from First Community Bank indicating the existence of a joint checking account in the name of the Complainant and his claimed common-law spouse; a statement signed by the claimed common-law wife and her mother indicating that the Complainant has lived with and fully supported the claimed common-law spouse since September 10, 1985; and a copy of a life insurance registration card, dated July 30, 1986, in which the Complainant lists his claimed common-law spouse and her two children as beneficiaries.

Information provided to the Funds by the West Virginia Department of Human Services indicates that the Complainant's claimed common-law spouse received food stamps through August 1985. These benefits were provided to the Complainant's claimed common-law spouse based on her status as a single, head-of-household. Until January 22, 1986 the Complainant's claimed common-law spouse continued to report to the West Virginia Department of Human Services that she was single for state benefit purposes. On January 22, 1986 she informed the Department of Human Services that she was living with the Complainant.

The Complainant's representative contends that the Respondent is responsible for the provision of health benefits for the Complainant's claimed common-law spouse. The Respondent claims

that inasmuch as the State of West Virginia does not recognize common-law marriages, it is not required to recognize such a relationship for the determination of health benefits eligibility. The Respondent claims, though, that the children of such a relationship may be entitled to health benefits as dependent children.

Dispute

Is the Respondent responsible for the provision of health benefits coverage for the Complainant's claimed common-law spouse?

Position of the Parties

Position of the Complainant: The Respondent is responsible for the provision of health benefits coverage for the Complainant's common-law spouse.

Position of the Respondent: The Respondent is not responsible for the provision of health benefits coverage for the Complainant's claimed common-law spouse because the Complainant's common-law marriage is not recognized by West Virginia law.

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 (coal company).
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 A. (1) and (4) and II D. (1) of the Employer Benefit Plan provide:

Article II - Eligibility

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

A. Active Employees

Benefits under Article III shall be provided to any Employee who:

- (1) is actively at work* for the Employer on the effective date of the Wage Agreement; or...
- (4) A new Employee will be eligible for health benefits from the first day worked with the Employer.

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:

- (1) A spouse who is living with or being supported by an eligible Employee or Pensioner;

Question and Answer H-1 (81) provides:

Subject: HEALTH Benefits; Common-Law Marriage, Children of a Common-Law Marriage

Reference: (50B) II C; (74B) 11 C

Question:

If a participant enters a common-law relationship, what is the health benefit status of:

- (1) the common-law spouse?
- (2) a 10-year old child, by a former marriage, of the common-law spouse?
- (3) a child born of the common-law marriage?

Answer:

If there is no living spouse of either party in the background, a valid common-law marriage exists if the relationship has been one of substantial and continuous duration and the parties have been living together openly as married persons and are recognized as such in the community.

Assuming a valid common-law marriage has been established, the dependent spouse will be eligible for health benefits and the children will also be eligible if they are dependent on the participant.

*Actively at work includes an Employee of the Employer who was actively at work on September 30, 1984, and who returns to active work with the Employer two weeks after the effective date of the Wage Agreement.

Discussion

Article II A (1) of the Employer Benefit Plan provides health benefits coverage for an Employee who is actively at work for the Employer on the effective date of the Wage Agreement. Inasmuch as the Complainant was at work for the Respondent on the effective date of the 1984 Wage Agreement, the Complainant is eligible for and receives health benefits coverage under the Employer Benefit Plan.

Article II D. (1) of the Employer Benefit Plan provides health benefits coverage for the spouse who is living with or being supported by an eligible Employee or Pensioner. The issue of the eligibility of a common-law spouse for health benefits coverage under the Employer Benefit Plan has previously been addressed by the Trustees in Question and Answer H-1 (81). The Trustees stated that if there is no living spouse of either party in the background, a valid common-law marriage exists if the relationship has been of substantial and continuous duration, the parties to which have been living together openly as married persons and are recognized as such in the community. On July 24, 1987 the Trustees adopted an interpretation of the provisions of the 1950 and 1974 Benefit Plans, defining a common-law relationship of substantial and continuous duration as one which has or had continued for a period of not less than nine (9) months. Providing these conditions are met, a common-law spouse will be eligible for health benefits coverage under the Employer Benefit Plan.

Inasmuch as the Complainant was divorced on August 20, 1985 and his claimed common-law spouse was divorced on June 30, 1984, there is no living spouse of either party in the background. The evidence submitted by the Complainant indicates that the Complainant has lived with the claimed common-law spouse continuously since at least September 10, 1985. However, because the Complainant's claimed common-law spouse reported her status as single to the West Virginia Department of Human Services until January 22, 1986, the Complainant and his claimed common-law spouse were not living together openly as married persons until that date. Consequently, the relationship did not satisfy the substantial duration requirement for a valid common-law marriage until nine (9) months later. Accordingly, as of October 22, 1986, the Complainant's relationship is recognized as a valid common-law marriage as defined in Q&A H-1 (81).

Opinion of the Trustees

The Respondent is responsible for the provision of health benefits coverage for the Complainant's common-law spouse effective October 22, 1986.