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## OPINION OF TRUSTEES

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### In Re

Complainant: Pensioner  
Respondent: Employer  
ROD Case No: 84-277 - April 15, 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 a Pensioner under the terms of the Employer Benefit Plan.

### Background Facts

The Complainant was injured while working in a classified job for the Respondent on March 30, 1982. Funds' records indicate that the Complainant returned to work for a total of twelve (12) days in May and June 1982, but he was unable to continue working because of pain and complications related to his accident. His last classified signatory employment in the coal industry was for the Respondent on June 11, 1982.

The Complainant subsequently filed for Social Security Disability Insurance ("SSDI") benefits under Title II of the Social Security Act. His application was approved on April 26, 1984, effective December 9, 1982.

The Complainant filed an application for disability pension benefits under the UMWA 1974 Pension Plan on April 5, 1984. The Complainant was notified that he was eligible for a 1974 Pension Plan Minimum Disability pension, retroactive to January 1, 1983, the month following the month in which his SSDI benefits were awarded. He was advised to contact his last signatory employer, the Respondent, concerning the provision of health benefits coverage as a disabled pensioner. The representative for the Complainant states that the Respondent has refused to provide the Complainant's health benefits coverage.

Counsel for the Respondent has stated that the Respondent is no longer in business within the meaning of Article II E.4 of the UMWA 1974 Benefit Plan and Trust and therefore, the Respondent is not responsible for providing health benefits coverage for the Complainant. During a preliminary audit investigation, it was determined that, although the Respondent ceased operations on November 25, 1985, it continues to provide health benefits coverage to two 1974

Plan Pensioners and one surviving spouse. In a letter to the Funds, the Respondent stated that it will continue to provide the benefits required by the Wage Agreement to its laid-off Employees and Pensioners. However, counsel for the Respondent also contends that the Complainant does not qualify for health benefits coverage as an Employee, pensioner, or disabled Employee under the terms of the Employer Benefit Plan.

### Dispute

Is the Respondent responsible for the provision of health benefits coverage for the Complainant?

### Positions of the Parties

Position of the Complainant: The representative for the Complainant asks whether the Respondent is responsible for the provision of health benefits coverage for the Complainant.

Position of the Respondent: The Respondent denies responsibility for the Complainant's health benefits as it contests the Complainant's eligibility under the terms of the Employer Benefit Plan.

### Pertinent Provisions

Article I (1), (2) and (5) 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.
- (5) "Pensioner" shall mean any person who is receiving a pension, other than (i) a deferred vested pension based on less than 20 years of credited service, or (ii) a pension based in whole or in part on years of service credited under the terms of Article II G of the 1974 Pension Plan, or any corresponding paragraph of any successor thereto, under the 1974 Pension Plan (or any successor thereto), whose last classified signatory employment was with the Employer, subject to the provisions of Article II B of this Plan.

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

#### Article II - Eligibility

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

B. Pensioners

Health benefits and life insurance under Article III hereof shall be provided to Pensioners as follows:

- (1) Any Pensioner who is not again employed in classified signatory employment subsequent to
  - (a) such Pensioner's initial date of retirement under the 1974 Pension Plan, and
  - (b) October 1, 1984, shall be eligible for coverage as a Pensioner under, and subject to all other provisions of this Plan. Notwithstanding (i) and (ii) of the definition of Pensioner in Article 1(5) of this Plan, any such Pensioner who was eligible for benefits under the 1974 Benefit Plan as a Pensioner on December 5, 1977, shall be eligible for such benefits, subject to all other provisions of this Plan.

Discussion

Article II B. of the Employer Benefit Plan establishes that an individual who is eligible for pension benefits under the UMWA 1974 Pension Plan is eligible for health benefits coverage under the Employer Benefit Plan. Inasmuch as the Complainant was awarded a UMWA 1974 Pension Plan Minimum Disability pension on December 6, 1984, retroactive to January 1, 1983, the Complainant is eligible for health benefits coverage under the Employer Benefit Plan established by his last signatory Employer, the Respondent. Therefore, the Respondent is responsible for the provision of health benefits coverage for the Complainant and his eligible dependents, effective January 1, 1983, for as long as the Complainant continues to satisfy those requirements.

Although the Respondent has questioned the Complainant's entitlement to health benefits coverage, the Complainant was determined to be eligible for a 1974 Plan pension by the Trustees of the 1974 Pension Plan. Entitlement to health benefits coverage under Article II of the Employer Benefit Plan is based upon status as a 1974 Plan pensioner and not upon an Employer's determination of disability.

Opinion of the Trustees

The Complainant meets the requirements of eligibility as provided by Article II B. of the Employer Benefit Plan. Therefore, the Respondent is responsible for the provision of health benefits coverage for the Complainant and his eligible dependents, effective January 1, 1983, for as long as the Complainant continues to satisfy those requirements.

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