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## OPINION OF TRUSTEES

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### In Re

Complainant: Disabled Employee  
Respondent: Employer  
ROD Case No: 84-310 - February 13, 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 level of health benefits coverage under the terms of the Employer Benefit Plan.

### Background Facts

The Complainant was employed in a classified position with the Respondent beginning January 9, 1969. He became disabled because of sickness in June 1982, but returned to work briefly in October 1982. The Complainant last worked for the Respondent on October 8, 1982. On March 4, 1983 the Complainant was laid off. The Respondent provided continued coverage for the Complainant through October 31, 1983. On August 7, 1986 the Complainant submitted to the Funds an award letter dated July 27, 1986 indicating that he is eligible for SSDI benefits retroactive to December 1982. On October 3, 1986 the Complainant was advised by letter that the Funds had reviewed his work history and, on the basis of 20 years of credited service, combined with his age (under 55) and evidence that he was awarded SSDI benefits, it had been determined that 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 entitlement to such benefits. The Respondent also received a copy of that letter.

The Complainant was awarded a deferred vested pension under the 1974 Pension Plan effective November 1, 1986, based on 20 years of credited service. The Respondent has provided the Complainant with health benefits coverage since that date. The Complainant claims that he is entitled to health benefits coverage from October 31, 1983. The Complainant has submitted copies of invoices for medical services provided to him from October 1984 to August 1986. He claims that the Respondent is responsible for payment of these bills. The Respondent claims that the Complainant was entitled to health benefits only through October 1983, and then again from his pension effective date, November 1, 1986.

### Dispute

Whether the Respondent is responsible for providing the Complainant with health benefits as a disabled Employee after October 31, 1983 and prior to the date health benefits coverage was resumed, November 1, 1986.

### Positions of the Parties

Position of the Complainant: The Respondent is responsible for providing his health benefits from October 31, 1983.

Position of the Respondent: The Complainant was eligible for continued health benefits coverage as a laid-off Employee until October 31, 1983. The Complainant is also entitled to health benefits coverage as a Pensioner from his pension effective date, November 1, 1986.

### 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 (name of 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.

Article II C. (1.) (a), (b), (c) and (d) of the Employer Benefit Plan provide:

#### Article II - Eligibility

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

##### 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 55, 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

Under Article II C. (1) of the Employer Benefit Plan, an Employee is eligible for health benefits coverage as a disabled Employee if he meets the following requirements: (a) has completed 20 years of credited service, including the required number of years of signatory service; (b) has not attained age 55; (c) became disabled after December 6, 1974 while in classified employment with the Employer; and (d) is eligible for Social Security Disability Insurance benefits. At the time his health benefits coverage was terminated, October 31, 1983, the Complainant clearly satisfied the requirements of (a), (b), and (c). On July 27, 1986 he was notified by the Social Security Administration that he was eligible for SSDI benefits retroactive to December 1982. Inasmuch as the Complainant met the requirements of Article II C. (1) of the Employer Benefit Plan on October 31, 1983, he is entitled to health benefits coverage as a disabled Employee from that date.

#### Opinion of the Trustees

The Respondent is responsible for the provision of health benefits for the Complainant as a disabled Employee from October 31, 1983.