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OPINION OF TRUSTEES

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In Re

Complainant: Pensioner  
Respondent: Employer  
ROD Case No: 84-322 - February 18, 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

On April 26, 1982, the Complainant sustained a work-related injury while working in a classified job for the Respondent. As a result of this accident, he received Worker's Compensation benefits from April 27 through May 31, 1982, for a total temporary disability. He then returned to work briefly until July 20, 1982, when his Worker's Compensation benefits were reinstated through October 31, 1982. The Complainant's last classified signatory employment in the coal industry was for the Respondent on November 9, 1982.

The Complainant filed for Social Security Disability Insurance ("SSDI") benefits under Title II of the Social Security Act on March 30, 1984. On November 29, 1985, his application was approved, effective September 15, 1983.

The Complainant filed an application for disability pension benefits under the UMWA 1974 Pension Plan on September 14, 1984. Following the approval of his SSDI benefits and a review of his medical records, it was determined that the Complainant's disability resulted from the mine injury of April 26, 1982. On August 21, 1986, the Complainant was notified that he was eligible for a Minimum Disability pension, effective October 1, 1983, the month following the month in which his SSDI benefits became effective. He was advised to contact his last signatory Employer, the Respondent, concerning the provision of health benefits coverage as a pensioner.

The representative for the Complainant has stated that the Respondent has refused to provide health benefits coverage for the Complainant as a pensioner.

The Respondent has stated that it ceased operations and laid off all its Employees on November 10, 1982. The Respondent has also stated that when it resumed operations in 1984, the Complainant was not rehired due to high blood pressure. The Respondent apparently questions whether the Complainant is disabled as the result of a mine accident, as required to qualify for a disability pension.

### Dispute

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

### Positions of the Parties

Position of the Complainant: 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 coverage. The Respondent questions whether the Complainant is disabled as the result of a mine accident, as required to qualify for a disability pension.

### 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

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

The Respondent has refused to provide health benefits coverage for the Complainant as a pensioner, claiming that the Complainant is disabled due to high blood pressure, rather than as the result of a mine accident, and therefore, does not qualify for a disability pension. The Respondent's claim notwithstanding, the Trustees awarded the Complainant a Minimum Disability Pension under the terms of the UMWA 1974 Pension Plan based on the Complainant's work-related injury of April 26, 1982, while he was employed in a classified position for the Respondent.

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, effective October 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, effective October 1, 1983.

Opinion of the Trustees

The Respondent is responsible for the provision of health benefits coverage for the Complainant, effective October 1, 1983.