
OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 84-392 - April 28, 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 under the terms of the Employer Benefit Plan.

Background Facts

The Complainant is employed in a classified job by the Respondent. He has a seventeen-year-old stepdaughter who is his wife's daughter from a previous marriage. On January 30, 1987, the Complainant's stepdaughter gave birth to twins. She and the twins are residing in the Complainant's household.

The Complainant has stated that he provides full support for his stepdaughter and her two children. He has also stated that his stepdaughter is not employed, does not receive public assistance and does not receive any support from her children's father or her natural father. The Complainant asks whether his stepdaughter's children are eligible for health benefits coverage from the Respondent.

The Respondent contends that under the terms of the Wage Agreement a distinction is made between grandchildren and step-grandchildren for bereavement pay purposes. The Respondent claims that bereavement pay would be provided upon the death of an Employee's grandchild, but would not be provided upon the death of a step-grandchild. The Respondent suggests that the same distinction should apply for health benefits purposes - that an Employee's grandchild may be eligible for coverage, but a step-grandchild is not. The Respondent maintains that because the Complainant's stepdaughter's children are the step-grandchildren of an Employee, they are not eligible for health benefit coverage.

Dispute

Whether the Complainant's stepdaughter's children are entitled to health benefits coverage under the terms of the Employer Benefit Plan.

Positions of the Parties

Position of the Complainant: His stepdaughter's children are entitled to health benefits coverage from the Respondent.

Position of the Respondent: The Complainant's stepdaughter's children are the step-grandchildren of an Employee, and as such, are not entitled to health benefits coverage under the terms of the Employer Benefit Plan.

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 (Employer's Name).
- (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 D. (1) and (4) 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,;

* "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.

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;
- (4) Unmarried dependent grandchildren of an eligible Employee, Pensioner or spouse who have not attained age 22 and are living in the same household (residence) with such Employee or Pensioner;

For purposes of this paragraph D, a person shall be considered dependent upon an eligible Employee, Pensioner or spouse if such Employee, Pensioner or spouse provides on a regular basis over one-half of the support to such person.

Discussion

Article II A. (1) of the Employer Benefit Plan provides health benefits coverage to an Employee working in a classified job for a signatory Employer. Article II D. (I) provides health benefits coverage to the spouse who is living with or being supported by an eligible Employee. Inasmuch as the Complainant is actively employed in a classified job by the Respondent, and he and his wife are living together, they are both eligible for and receiving health benefits coverage provided by the Respondent.

Article II D. (4) of the Employer Benefit Plan provides health benefits coverage for the unmarried dependent grandchildren of an eligible Employee or spouse, so long as such grandchildren have not attained age 22 and are living in the same household with such Employee. The Respondent has refused to provide health benefits coverage for the Complainant's stepdaughter's children, claiming that they are the Complainant's step-grandchildren and therefore, not eligible for coverage. Such claim notwithstanding, the Complainant's step-grandchildren are in fact the natural grandchildren of the Complainant's spouse, and inasmuch as the spouse is eligible for benefits, her grandchildren are also entitled to health benefits coverage as long as they satisfy the requirements of Article II D. (4).

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The Respondent is responsible for providing health benefits coverage for the grandchildren of the Complainant's spouse under the terms of the Employer Benefit Plan.