
OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 84-401 - April 30, 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 dependent of an Employee under the terms of the Employer Benefit Plan.

Background Facts

The Complainant is an active Employee of the Respondent who has a sixteen (16) year old son by a previous marriage. The Complainant's son lives with his grandmother outside the Complainant's household. The Complainant states that he provides support to his son, and that the son is therefore eligible for health benefits as his dependent.

The Respondent claims that in order to determine if the Complainant's son is eligible for health benefits, it has requested that the Complainant submit documentary evidence that he provides over one-half (1/2) of the total support provided to the son. The Respondent has requested that the Complainant submit a list of the grandmother's monthly expenditures in order that it may calculate the amount of total support provided to the son. The Complainant has refused to provide the Respondent with the information it requested, and the Complainant's representative asks whether the Respondent has the right to request such information. The Respondent states that such information is reasonably required in order for it to determine if the Complainant's son is a dependent.

Dispute

Whether the Respondent may require the Complainant to provide information concerning the expenditures of the household in which the claimed dependent son lives.

Positions of the Parties

Position of the Complainant: The Complainant asks whether he is required to provide the Respondent information concerning the expenditures of the grandmother in whose home the dependent son resides.

Position of the Respondent: The Complainant must submit information concerning the grandmother's household expenditures in order to establish that he provides over one-half of the support to his son.

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 D. (2) of the Employer Benefit Plan provides:

Article II - Eligibility

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

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;

2. Unmarried dependent children of an eligible Employee or Pensioner who have not attained age 22;,

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 a person.

Discussion

Article II D. of the Employer Benefit Plan provides health benefits coverage for the unmarried children of an eligible Employee who have not attained age 22, if the Employee provides over one-half of the support to such children. In Resolutions of Dispute 84-011 and 84-045 (enclosed herein), the Trustees previously concluded that a signatory Employer may require an Employee to submit information reasonably necessary to establish dependency. In the present dispute the Complainant's son is receiving support from the Complainant and from his grandmother. To determine if the support provided by the Complainant exceeds the support provided by the grandmother, the Respondent requests information concerning the grandmother's expenditures. Such a request is reasonably necessary to establish the dependency of the Complainant's son.

Opinion of the Trustees

The Respondent may require the Complainant to provide information concerning the expenditures of the household in which the claimed dependent son lives.