
OPINION OF TRUSTEES

In Re

Complainants: Pensioner
Respondent: Employer
ROD Case No: 84-458 - January 11, 1988

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's last classified signatory employment in the coal industry was with the Respondent on October 4, 1983, when he sustained a work-related back injury. As a result of this injury, the Complainant was awarded Workmen's Compensation benefits on February 8, 1984, effective October 19, 1983.

The Complainant filed an application for Social Security Disability Insurance ("SSDI") benefits under Title II of the Social Security Act on March 4, 1985. His application was initially denied, but was approved on appeal by an Administrative Law Judge on August 14, 1986, with a disability onset date of October 1983.

The Complainant filed an application for disability pension benefits under the UMWA 1974 Pension Plan on September 3, 1986. Following a review of his medical records, it was determined that the Complainant's disability resulted from the mine injury of October 4, 1983. On April 3, 1987, the Complainant was notified by letter that he was eligible for a Minimum Disability pension, effective November 1, 1983. He was advised to contact his last signatory Employer, the Respondent, concerning his eligibility for health benefits coverage as a Pensioner. The Respondent was provided a copy of this letter.

The representative for the Complainant states that the Respondent has not responded to the Complainant's inquiries regarding his eligibility for health benefits coverage. The representative contends that the Complainant is entitled to health benefits coverage from his last signatory Employer, the Respondent.

The Respondent alleges that the Complainant was injured in-an automobile accident and not in a mine accident. The Respondent states that the Complainant did not report a mine accident and that it was not aware of any injury until eight days later when another Employee reported that the Complainant had been injured. The Respondent states that the attending physician's report required under the provisions of the Workmen's Compensation Act indicates that, when examined on October 6, 1983, the Complainant was intoxicated and could not be evaluated, but he appeared to be in no pain. The Respondent denies responsibility for the health benefits coverage for the Complainant.

Dispute

Is the Respondent responsible for providing health benefits coverage for the Complainant as a Pensioner under the terms of the Employer Benefit Plan?

Positions of the Parties

Position of the Complainant: The Respondent is responsible for providing health benefits coverage for the Complainant as a disabled Pensioner.

Position of the Respondent: The Respondent is not responsible for the Complainant's health benefits coverage because the Complainant is not 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 (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.
- (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 I (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 Complainant was awarded a Minimum Disability pension under the terms of the UMWA 1974 Pension Plan, effective November 1, 1983. The Respondent has refused to provide health benefits coverage for the Complainant as a Pensioner. The Respondent claims that the Complainant is disabled as the result of an automobile accident, rather than as the result of a mine accident and, therefore, he does not qualify for a disability pension. The evidence contained in the Complainant's record has been reviewed, and the Funds' original decision that the Complainant is entitled to a Minimum Disability pension pursuant to Article II. D. of the 1974 Pension Plan has been confirmed.

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 November 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 November 1, 1983.

Opinion of the Trustees

Opinion of Trustees
Resolution of Dispute
Case No. 84-458

Page 4

The Respondent is responsible for providing health benefits coverage for the Complainant as a Pensioner, effective November 1, 1983.