

OPINION OF TRUSTEES

In Re

Complainant: Disabled Employee
Respondent: Employer
ROD Case No: 84-499 - January 28, 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 health benefits coverage for a disabled Employee under the terms of the Employer Benefit Plan.

Background Facts

The Complainant, whose date of birth is October 28, 1933, was employed by the Respondent in a classified position from May 26, 1966 until May 25, 1982, when he was discharged. The Complainant applied for Social Security Disability Insurance ("SSDI") benefits on August 22, 1983. His application was initially denied but was approved on appeal by an Administrative Law Judge on April 30, 1984, with an effective date of May 25, 1982.

In August 1984, the Complainant inquired about his eligibility for health benefits as a disabled Employee, indicating that he became disabled in May 1982 as a result of arthritis and Black Lung. He was subsequently notified by letter that the Funds had reviewed his work history and on the basis of 25 1/4 years of credited signatory 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, if he became disabled while in classified employment. The Complainant was advised by the Funds to contact his last signatory employer, the Respondent, to determine his eligibility. The Complainant states that the Respondent has refused to provide his health benefits coverage as a disabled Employee. He asks whether the Respondent is responsible for providing such coverage.

The Respondent contends that the Complainant is not eligible to receive health benefits coverage as a disabled Employee because the Complainant was discharged on May 25, 1982, and thus, was not in classified employment at the time he became disabled. Information submitted by the Respondent indicates that the Complainant was removed from the mine on May 25, 1982 and that he was given notice of suspension with intent to discharge for reporting to work

intoxicated on that date. Information obtained from the Respondent also establishes, however, that the Complainant was paid for that date. The following day the Complainant filed a grievance requesting to be reinstated in his position in the Respondent's employ. The Complainant's discharge was upheld by an arbitrator's decision on June 21, 1982.

Dispute

Is the Respondent responsible for providing health benefits coverage for the Complainant as a disabled Employee pursuant to Article II C. (1) of the Employer Benefit Plan.

Positions of the Parties

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

Position of the Respondent: The Respondent is not responsible for providing the Complainant's health benefits coverage since the Complainant was not in classified employment with the Respondent when he became disabled.

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 the (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.

Article II. C. (1) of the Employer Benefit Plan provides:

Article II - Eligibility

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. The Complainant clearly satisfies the requirements of Article II. C. (1) (a), (b), and (d). The issue here is whether the Complainant became disabled while in classified employment with the Respondent.

The Complainant was awarded SSDI benefits on April 30, 1984 for a period of disability commencing May 25, 1982. It is undisputed that the Complainant reported to work as scheduled on May 25, 1982 and that he was removed from the mine approximately two hours later for reporting to work intoxicated. Further, the Complainant was paid wages for May 25, 1982. Thus, the Complainant must be deemed to have been in the classified employment of the Respondent on the date Social Security determined to be the onset date of his disability.

Therefore, under the facts presented, he has met each of the eligibility requirements of Article II C.(1) of the Employer Benefit Plan. Accordingly, the Respondent is responsible for providing the Complainant's health benefits coverage as a disabled Employee.

Opinion of the Trustees

The Respondent is responsible for providing health benefits coverage for the Complainant as a disabled Employee as of May 25, 1982.