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## OPINION OF TRUSTEES

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### In Re

Complainant: Disabled Employee  
Respondent: Employer  
ROD Case No: 84-507 - November 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 health benefits coverage for a disabled Employee under the terms of the Employer Benefit Plan.

### Background Facts

The Complainant, whose date of birth is June 16, 1927, incurred a compensable injury while performing classified work for the Respondent on October 17, 1986. As a result of that injury, the Complainant has been unable to return to work and is receiving Workers' Compensation benefits. The Complainant is 60 years of age and, according to Funds' records, he has nineteen (19) years of credited coal industry service. The representative for the Complainant states that the Complainant is not contemplating retirement in the immediate future. The representative states that the Respondent has denied the Complainant's request for health benefits coverage as a disabled Employee under Article II C. (2) of the Employer Benefit Plan. The representative asks whether this request was properly denied.

The Respondent states that it provided continued health benefits coverage for the Complainant as a disabled Employee until November 1, 1987. The Respondent maintains that the Complainant is not entitled to any additional period of coverage under Article II C. (2) of the Employer Benefit Plan. The Respondent contends that Article II C. (2) of the Employer Benefit Plan is intended to provide health benefits coverage for disabled Employees between the ages of 51 and 55, so that they would have uninterrupted coverage from their last day worked until they are eligible to receive coverage as a Pensioner. The Respondent states that the Complainant was 58 years old (actually 59) when he became disabled, and therefore, he is not entitled to health benefits coverage under Article II C. (2) of the Plan. The Respondent has indicated that in order for the Complainant to continue his health benefits coverage he should either retire and receive coverage as a Pensioner or return to work and receive coverage as an active Employee. The Respondent has also stated that the Complainant has the option to convert to an individual policy issued by its insurance carrier until he is able to return to work.

### Dispute

Whether the Respondent is responsible for providing health benefits coverage for the Complainant as a disabled Employee pursuant to Article II C. (2) of the Employer Benefit Plan.

#### Positions of the Parties

Position of the Complainant: The representative for the Complainant asks whether the Respondent properly denied the Complainant's request for health benefits coverage under Article II C. (2) of the Employer Benefit Plan.

Position of the Respondent: Article II C. (2) of the Employer Benefit Plan applies to Employees who become disabled between the ages of 51 and 55 (within four years of the date they would be eligible to receive a pension). The Complainant was 59 years old when he became disabled on October 17, 1986; therefore, he is not entitled to health benefits coverage under Article II C. (2) of the Plan.

#### 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 (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. (2) 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:

- (2) Becomes totally disabled due to a compensable disability within four years of the date the Employee would be eligible to receive a pension under the

1974 Pension Plan or any successor thereto, as long as the Employee continues to be so disabled during the period for which Workers' Compensation payments (Worker s Compensation does not include Federal Black Lung Benefits) are applicable; or

#### Discussion

Article II. C. (2) of the Employer Benefit Plan provides health benefits coverage for an Employee who "becomes totally disabled due to a compensable disability within four years of the date the Employee would be eligible to receive a pension under the 1974 Pension Plan." The clause "within four years of the date the Employee would be eligible to receive a pension " (emphasis added) indicates that the Employee's disability must occur within the four year period preceding the date the Employee becomes eligible for a pension. Thus, the language of Article II C. (2) limits coverage under that provision to certain disabled Employees who are not yet eligible for a 1974 Pension Plan pension.

The 1974 Pension Plan provides that pension benefits are to be provided to "[a]ny participant who (a) has at least 10 years of signatory service... and (b) has attained the age of 55 years ...". The Complainant became totally disabled due to a compensable disability on October 17, 1986. The Complainant was fifty-nine (59) years old on October 17, 1986, and had established nineteen (19) years of credited signatory service. As such, the Complainant was eligible to receive a 1974 Plan pension when he became disabled on October 17, 1986. Inasmuch as the Complainant was eligible for a 1974 Plan pension at the time he was disabled, he is not entitled to health benefits coverage as a disabled Employee under Article II C. (2) of the Employer Benefit Plan.

#### Opinion of the Trustees

The Respondent is not responsible for providing health benefits coverage for the Complainant as a disabled Employee pursuant to Article II C. (2) of the Employer Benefit Plan.