

OPINION OF TRUSTEES

In Re

Complainant: Pensioner
Respondent: Employer
ROD Case No: 84-600 - April 7, 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 was employed in a classified position by the Respondent until his retirement on November 22, 1980. The Complainant was subsequently advised by letter that the Funds had determined that he was eligible to receive a 1974 Pension Plan Normal Retirement (Age 62) pension, effective December 1, 1980. The Complainant was advised to contact his last signatory employer, the Respondent, concerning his eligibility for health benefits coverage.

The representative for the Complainant states that the Respondent has not provided health benefits coverage for the Complainant since he retired in 1980. The Respondent has indicated that it will not be able to provide health benefits retroactively, but it will provide coverage to the Complainant as soon as he can be enrolled under the Plan currently implemented by the Respondent.

Dispute

Whether the Respondent is responsible for providing health benefits coverage for the Complainant as a Pensioner, effective December 1, 1980.

Positions of the Parties

Position of the Complainant: The Respondent is responsible for providing health benefits coverage for the Complainant as a Pensioner, effective December 1, 1980.

Position of the Respondent: The Respondent will not be able to provide health benefits retroactively; however, it will provide coverage to the Complainant as soon as he can be enrolled under the Plan currently implemented by the Respondent.

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 the 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:

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 issue of whether an Employer is responsible for providing a Pensioner with health benefits coverage as of the effective date of his pension has previously been addressed by the Trustees in Resolution of Dispute 81-521 (copy enclosed herewith). In that decision, the Trustees concluded that the Employer's obligation to provide health benefits coverage commences on the date the Complainant satisfied the criteria for receipt of pension benefits. Accordingly, in the present dispute, the Respondent is responsible for providing health benefits coverage for the Complainant as a Pensioner, effective December 1, 1980.

Opinion of the Trustees

The Respondent is responsible for providing health benefits coverage for the Complainant as a Pensioner, effective December 1, 1980.