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## OPINION OF TRUSTEES

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### In Re

Complainant: Pensioner  
Respondent: Employer  
ROD Case No: 84-653 - July 13, 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 September 10, 1982. On February 4, 1987, the Complainant was awarded a UMWA 1974 Pension Plan Deferred Vested pension, effective November 1, 1986, based on 25 ½ years of credited service. The Complainant was advised by letter to contact his last signatory employer, the Respondent, regarding his eligibility for health benefits coverage as a Pensioner. The Respondent was provided a copy of that letter.

The Respondent states that the Complainant was recalled to work on July 25, 1984, but did not respond. In addition, the Respondent states that the Complainant was employed by it for only two years.

The Complainant states that the Respondent has refused to provide his health benefits coverage as a Pensioner.

### Dispute

Whether the Respondent is responsible for providing health benefits coverage for the Complainant as a Pensioner.

### Positions of the Parties

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

Position of the Respondent: The Complainant was recalled to work but did not respond. In addition, the Complainant was employed by the Respondent for only two years.

#### 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

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

#### 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

Article II B. (1) of the Employer Benefit Plan establishes that an individual who is receiving a pension under the 1974 Pension Plan, other than a deferred vested pension based on less than 20 years of credited service or a pension based in whole or in part on years of service credited under Article II G. of the 1974 Plan, is eligible for health benefits coverage under the Employer Benefit Plan.

The Respondent contends that it is not responsible for providing health benefits coverage for the Complainant because the Complainant was employed by the Respondent for only two years. However, under the terms of the Employer Benefit Plan, an Employer's obligation to provide benefits for its Pensioners is not contingent upon any minimum length of service requirements. Inasmuch as the Complainant was awarded a UMW 1974 Pension Plan Deferred Vested pension effective November 1, 1986, based on 25 ½ years of credited service, the Complainant meets the eligibility requirements of Article II B. (1) and is entitled to health benefits coverage from his last signatory employer, the Respondent.

#### Opinion of the Trustees

The Respondent is responsible for providing health benefits coverage for the Complainant as a Pensioner, effective November 1, 1986, consistent with the terms of the Employer Benefit Plan.